

THE BRIEF

Southern Methodist University School of Law

Fall 1994

Poverty, Secrecy &

White-Collar Crime—

The Societal Costs



THE BRIEF

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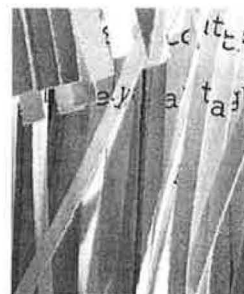
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THE SHINING PATH OR

"[T]he free market is the other
path to development and the one
true path. It is the people's path.
And, unlike many other paths,
it leads somewhere. It works."

In 1986 iconoclast Peruvian economist
President Ronald Reagan'

Hernando de Soto captured the attention of
many policymakers in Latin America with his

THE OTHER PATH OUT OF POVERTY?

book *El Otro Sendero*, which in 1989 was
translated into English as *The Other Path*
and published in the United States. After
sparking considerable controversy in Latin
America, *The Other Path* rapidly achieved
canonical status among conservatives in the
United States. Although de Soto's empirical
and historical research is focused on the
problems of Peru, his conclusions boldly
address fundamental questions of the rela-
tionship of law to economic development.

BY JANE KAUFMAN WINN

De Soto challenges Peruvians to recognize the significance of what in fact surrounds them, but which too often they feign to ignore: the “informal” or underground economy. He argues that individuals employed in the informal economy should not be understood as exploited or deviant. Rather, they should be seen as manifesting the natural, universal human impulse to engage in free enterprise. The appropriate governmental response to informality is therefore not to suppress it, but to bless it with legal recognition.

De Soto identified two daunting barriers preventing informals from operating in the regulated economy: the costs of access to the formal economy, and the costs of remaining in it.

De Soto’s iconoclastic thesis has confounded and inspired both the left and the right. To the consternation of the oligarchs in Peru, de Soto argues that Peru has never enjoyed the benefits of liberal democracy; that because informality results from unequal access to economic opportunity, the solution lies in law reform to achieve a genuinely capitalist order. To the dismay of leftists, de Soto has wrested the debate over development in Latin America away from them by focusing attention on what he believes are the aspirations of the economically marginalized themselves. De Soto thus is able to reject leftist analyses that blame Latin America’s economic problems on foreign governments, multinational corporations, and the local capitalists who deal with them.

De Soto’s work has had a significant impact on the study of economic development in the United States and in Latin America. In the United States, *The Other Path* has received considerable attention from conservative politicians, political commentators, and the mass media. In Peru, de Soto’s work was endorsed by both leading candidates in the 1990 presidential elections and he acted for a time as “chief policy advisor” to Peru’s president, Alberto Fujimori. Notwithstanding the impact *The Other Path* has had in U.S. political circles and on academic studies of development and political economy, and notwithstanding the fact that de Soto argues that the structural problems of economic development can be solved through a specific program for law reform, his work has been largely overlooked in the legal community.

What Does de Soto Say about Peru?

Peru has experienced many problems common to developing countries inside and outside of Latin America: massive migrations from the countryside to urban areas com-

bined with inadequate economic development to provide employment for a burgeoning urban population; fluctuations in price and demand for Peru’s exports with corresponding fluctuations in domestic economic activity; and a debt to foreign banks far in excess of Peru’s ability to repay. In addition, Peru suffers from the depredations of a form of Marxist-Maoist insurrection in its rural areas known as *El Sendero Luminoso* or the Shining Path. The brutally efficient organization of the Shining Path together with the

narcotics trade and ineffective leadership from the Peruvian government combine to create a genuine risk of a military coup or even the establishment of a narco-military dictatorship in Peru.

In the last 40 years a massive migration from rural to urban areas has coincided with little planning or leadership from the authorities. Unable to assimilate into the limited modern (regulated) sector of Peru’s economy, migrants become “informals,” fending for themselves to find housing, transportation, employment, and distribution systems for necessities. De Soto estimates that 60 percent of the population of Peru works illegally all the time. In the mid-1980s, according to de Soto, 43 percent of housing in Lima was composed of “informal” settlements; 91 percent of all mass transit vehicles in Lima, ranging from small, taxi-sized vehicles to full-scale buses capable of transporting as many as 90 people, were being operated illegally; and informal street vendors and market stall operators vastly outnumbered those engaged in formal trading.

De Soto identified two daunting barriers preventing informals from operating in the regulated economy: the costs of access to the formal economy, and the costs of remaining in it. To measure the actual costs of access de Soto’s staff constructed a simulation exercise: How hard would it be to comply with all bureaucratic requirements for the establishment of a light manufacturing business operated by a sole proprietor in an industrial estate on the outskirts of Lima? Four university students went through the required procedures without benefit of any intermediaries and paid bribes only when absolutely necessary to proceed. It took them 289 days working full time to acquire the 11 permits required; of the ten bribes solicited they paid

two. The de Soto researchers computed the total cost in actual expenses, time wasted, and profits lost at \$1,231, or 32 times the minimum monthly wage. De Soto's study also found that in order to build on state-owned wasteland on the outskirts of Lima, it would require 6 years and 11 months to complete the necessary formalities. The findings regarding the costs to small businesses of remaining formal were similarly disheartening.

De Soto draws the following conclusions about relations between the formal and informal sectors: Although informals do not pay income taxes, they contribute to the formal economy through indirect taxes (such as ad valorem taxes), higher interest rates, and bribes. Informals also assume the costs and enjoy the benefits of self-regulation, although this self-regulation is less efficient than formal law. Therefore the economic activity of the informal sector cannot be as productive as the formal sector. Without reform to rationalize economic regulations, the informal sector will operate as a drag on the national economy. De Soto points out the failure of successive governments to consider the economic impact of regulations and the proclivity of those governments to use law to redistribute wealth rather than help create it.

De Soto believes the problem is more intractable than simply a failure of bureaucrats to perform cost-benefit analysis with respect to proposed regulations—over 99 percent of all Peru's laws are produced in the form of bureaucratic regulations without any democratic oversight from the legislature or otherwise. He calls for law reform to achieve a peaceful

Has de Soto's Agenda Succeeded in Peru?

De Soto argues that the productive energies of the informals should be released for the mutual benefit of Peruvian society and the informals themselves through law reform. By granting private property rights, as well as the protections of conventional contract and tort law to the informals, informal productivity can be integrated rationally into the formal economy, resulting in increased productivity and national wealth. However, even if the formal economy could be unshackled from irrational regulations at the same time as the informal economy is integrated into the formal economy, the informals would simply be wiped out by the greater capital resources of formal enterprises unless substantial aid programs achieve a net transfer of resources to the informals.

Furthermore, de Soto has assumed, without proving, that the informal economy is inefficient compared to a free market. In common with most economists, his idea of efficiency is biased in favor of free markets and against nonmarket distribution systems. He assumes that the natural impulses of the informals are entrepreneurial, and thus dictate the creation of a competitive market economy supported by the rule of law. However, unless some costs are imputed to the maintenance of the formal legality necessary to maintain a competitive market, it cannot be assumed a priori that a market is a more efficient allocator of resources than alternative systems that rely on networks of human relationships as conduits of resource distribution. Labels like the "New Competition" or "Flexible Accumulation" have been coined to

De Soto argues that the productive energies of the informals
should be released for the mutual benefit of Peruvian society
and the informals themselves through law reform.

transformation of Peru from a society plagued by a powerful but unaccountable state controlled by elite groups that in turn are sustained by state privileges, to a modern liberal democratic society. He recognizes that the population generally accords at least as much legitimacy to the activity of the informals as that of the government, and with the specter of the Shining Path looming over Peru, he calls for the government to begin to act in its enlightened self-interest simply in order to survive. This self-interest should include not only "formalizing" the informals, but also "informalizing" the regulated economy by releasing it from the burden of partisan regulation for political, not economic, advantage.

draw attention to situations where productive activity organized along decentralized, cooperative lines may outperform competitive markets, with examples often being drawn from current East Asian economic practices.² The examples of Taiwan and Japan indicate that freeing individual initiative and ambition will not always produce the type of competitive free markets envisaged by Western economists to produce rising levels of national prosperity.³

It has become apparent to most observers that de Soto's ideas are not the cure-all for Peru's ills they once appeared to be. Although de Soto has succeeded in eliminating obvious bottlenecks in licensing and recording of property rights,⁴

Peru's current economic resurgence apparently owes more to recent successful military advances against the Shining Path insurgency and to the implementation of strong authoritarian rule by President Fujimori in 1992 than to de Soto's law reform initiatives.⁵

What Alternatives Do We Have to Market-Oriented Development Strategies?

Alternatives to de Soto's market-oriented approach that share his emphasis on decentralization and local initiative include community-centered programs. These programs try to mobilize existing "human capital" in the form of networks of relationships and group-oriented popular cultures, rather than importing wholesale foreign notions of law, individualism, and competition. One example of a successful community-centered approach is the Grameen Bank in Bangladesh, which has developed a "microenterprise" lending program.

The Grameen Bank allows the poorest Bangladeshis to qualify for credit by helping borrowers qualify for loans by guaranteeing the credit of their friends instead of demanding collateral or other more conventional forms of security. Individuals form groups of five, which receive training in

ment of U.S. foreign aid to developing countries, as well as of domestic welfare reform initiatives.⁷ Microenterprise lending is similar in structure to the rotating credit association, a traditional form of community finance practiced in peasant economies from Africa to Korea.⁸ In the United States today, rotating credit associations are used by immigrant groups who have difficulty gaining access to bank credit.⁹

Can de Soto's Agenda Be Applied in the United States?

De Soto has correctly perceived the magnitude of the problem of unequal economic opportunity, a problem not limited to developing countries. His training as an economist and conservative political orientation, however, prevent him from perceiving the full political, social, and cultural implications of economic activity. In particular, if the analysis of empowerment is limited to the issue of extending access to competitive free markets, then focusing on the operation of the market may obscure exploitation based on race, class, or gender differences. These conditions contribute to the problems of the poor but have roots that lie outside the free market.

Informality in Peru is not only an issue of manipulation of

Alternatives to de Soto's market-oriented approach that
share his emphasis on decentralization and local initiative
include community-centered programs.

basic business skills. Upon completion of the training, two of the five are eligible to borrow a small amount of money for a project chosen by the borrowers themselves. The members of the group choose which two members receive the money first and review the feasibility of the proposed project. Once the first two members establish a record of repayments, then two more members become eligible to borrow. Once the second two members establish a record of repayments, the remaining member can borrow. Failure by any member of the group jeopardizes the right of all members to receive additional loans in the future. Successful repayments by all members qualify the group for further, larger loans. In this manner, even the poorest can qualify for credit, improve their individual circumstances, and build a sense of community.⁶

This lending program is now being introduced in the United States in such diverse locations as Washington, D.C., Brooklyn, Chicago, and rural Arkansas and North Carolina. Microenterprise lending is becoming a significant compo-

the legal system, which de Soto emphasizes, but also of unequal access to economic resources based on racial discrimination, which de Soto does not emphasize. De Soto only tacitly acknowledges a fact of great significance: Peru's formal economy is dominated by *criollos* (Peruvians of European descent) while the informal economy is the domain of predominantly indigenous people. The economic division of Peruvian society is a major factor contributing to the Marxist insurgency in Peru, yet it is something that members of Peru's elite like de Soto have trouble recognizing. Rather than holding Peru up as an example to the poor in the United States of what they might achieve through private enterprise, it might make more sense to hold up to de Soto the tragic failure of more than 100 years of law reform initiatives in the United States to eliminate economic discrimination based on race or gender.

The obstacles to conventional business ventures in America's blighted inner cities or poor rural areas are very real and very substantial.¹⁰ Mobilizing the social and eco-

conomic resources that exist in these pockets of underdevelopment in the United States will certainly not result from the spontaneous expansion of business activity into these "underserved" markets, just as Peru's profound social problems have not been solved by de Soto's legislative reform program designed to bring informals into the economic mainstream. However, merely adopting a community-centered approach to development cannot guarantee success any more than adopting a market-oriented approach solved Peru's problems.

Lack of access to formal economic opportunities helps fuel participation in the informal economy among ethnic minorities in the United States just as in Peru.¹¹ Following the 1992 Los Angeles riots, many programs established to help rebuild south central Los Angeles neighborhoods adopted the small-scale, decentralized focus supported by community development advocates. Yet, two years after the riots, few of the targeted minority-owned small businesses have seen any of the promised assistance, indicating how great are the obstacles to redirecting substantial financial resources to traditionally underserved communities.¹² Members of ethnic minorities are more likely than white Americans to be sensitive to the practical consequences of this disparity in access to economic opportunities, for example, in the debate over welfare reform.¹³

Empowerment of the economically disenfranchised through decentralized economic development, whether in Peru or in the United States, will require more than narrow, formal legal reform. Whether or not legislation is chosen as the primary vehicle for implementing a program designed at empowerment, any such program requires more than just creative statute drafting and a window of opportunity in the legislature. It also requires a sensitivity to larger questions of the exercise of political and economic power and the structure of social and cultural institutions. As Benjamin DeMott has observed, "righting ancient wrongs is complex work, beset with anomaly; succeeding at it requires exceptionally high levels of self-awareness and social realism."¹⁴ Neither market-oriented reforms advocated by conservatives, nor community-based reforms advocated by progressives are panaceas for problems of redressing social injustice.

Lawyers, academics, and political activists with a more comprehensive idea of empowerment and more sensitivity to the problems of ethnicity and gender might do well by joining the emerging bipartisan consensus on decentralized initiative structures. Although until now conservatives have dominated the debate, this emerging consensus represents an opportunity for those with broader vision to participate in the recreation of social and political institutions.



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with Shearman & Sterling in New York. She teaches in the areas of commercial law, creditors rights, and comparative law, and has studied informal economies in Pacific Rim countries.

This article derives from a longer article by the author, "How to Make Poor Countries Rich and How to Enrich Our Poor," published in 77 *Iowa Law Review* 899 (1992).

¹ Address by President Ronald Reagan to the United Nations General Assembly, New York, New York, Sept. 21, 1987.

² Michael H. Best, *The New Competition* 11 (1990); David Harvey, *The Condition of Postmodernity* 189 (1989).

³ Jane Kaufman Winn, *Relational Practices and the Marginalization of Law: Informal Financial Practices of Small Businesses in Taiwan*, 28 *Law & Soc'y Rev.* 801 (1994).

⁴ Joel Millman, *The Next Path*, *Forbes*, May 23, 1994, at 106.

⁵ Nathaniel Nash, *Peruvians Looking More Sourly at Tough Leader*, *N.Y. Times*, May 4, 1994, at A3.

⁶ For a more detailed description of the Grameen Bank's program, see Lewis D. Solomon, *Microenterprise: Human Reconstruction in America's Inner Cities*, 15 *Harv. J.L. & Pub. Pol'y* 191, 193-202 (1992).

⁷ For example, in 1993 in the Senate, the Microenterprise Development Fund Act was introduced as part of the Foreign Assistance Act of 1993, and the Microenterprise and Asset Development Act was introduced to permit AFDC recipients to engage in microenterprise businesses.

⁸ C. Geertz, *The Rotating Credit Association: A 'Middle Rung' in Development*, *Econ. Dev. & Cultural Change* (Apr. 1962).

⁹ C. Gorman, *Do-It-Yourself Financing*, *Time*, July 25, 1988, at 62.

¹⁰ See, e.g., Dana Milbank, *Finast finds challenges and surprising profits in urban supermarkets*, *Wall St. J.* (Sw. ed.), June 8, 1992, at A1 (one national grocery chain profitably expands inner city operations, but invests considerable effort in addressing special needs of work force and customers); Paulette Thomas, *Small businesses, key to urban recovery, are starved for capital*, *Wall St. J.* (Sw. ed.), June 11, 1992, at A1 (notwithstanding Community Reinvestment Act, small businesses in inner cities receive less capital from banks and are forced to turn to usurious lenders).

¹¹ Regina Austin, "An Honest Living": *Street Vendors, Municipal Regulation and the Black Public Sphere*, 103 *Yale L.J.* 2119 (1994).

¹² Benjamin A. Holden, *Loan Plans Fall Short in Post-Riot Los Angeles*, *Wall St. J.*, April 28, 1994, at B1.

¹³ Katherine McFate, *Change Welfare with Compassion*, 22 *Focus* 6 (May 1994).

¹⁴ B. DeMott, *Legally Sanctioned Special Advantages Are a Way of Life in the United States*, *Chron. Higher Educ.*, Feb. 27, 1991, at A40; see B. DeMott, *The Imperial Middle: Why Americans Can't Think Straight About Class* (1990).





THE IMPRISONMENT OF COMMERCIAL AMERICA

by Linda S. Eads

■ Crime and punishment are much on the minds and in the discussions of the American people. We are horrified by the murders committed by teenagers; we are angry when prisoners released on parole break the law again; we are frustrated at the number of unsolved or unpunished transgressions. ■ For many years our political leaders have used our anger and frustration in this area to get our votes. They have portrayed themselves as "tough on crime" and in favor of more and longer criminal penalties. This political climate

has had several consequences, but the explosion in the number of new “white-collar crimes”¹ is one little-noted result of this atmosphere. The truth is that we have been using with increasing regularity the criminal law in an attempt to solve serious social problems that are commercial or financial in nature. These problems range from the manufacture of dangerous products to securities and other kinds of commercial fraud.

A review of the legislative enactments in the white-collar crime area over the last twenty years reveals a staggering increase in the number of such crimes as well as a troubling transformation of certain traditional criminal law protections in the prosecution of these kinds of crimes. Perhaps most disturbing, however, is the absence of debate or evaluation as to whether these developments are beneficial.

Increase in Number of White-Collar Crimes

At last count, the United States Code enumerated 3000 crimes.² Of these 3000 only a fraction involve commercial or financial crimes, but the number of these white-collar crimes increases with the passage of every crime bill by the United States Congress. Interestingly, Congress has failed to debate the reasons why making some commercial conduct subject to criminal penalty serves the nation well. Congressional debate on these crime bills often is little more than campaign speeches appealing to the need for “law and order” or a political response to the electorate’s displeasure with some kind of commercial shenanigans.

Yet, the increased reliance on the criminal law to regulate commercial activity is the result of other forces at work in the making of national laws. Very often white-collar crimes find their way into the United States Code because they are tacked onto some broad-based legislative initiative pushed by a regulatory agency. Regulators come to believe deeply in their programs and assume that obtaining public compliance with their programs depends on having a strong enforcement agenda. These regulators look at the history of regulation in the United States and see that the two agencies with the greatest reputation for obtaining compliance are

the SEC and the IRS—both of which use the criminal law to achieve compliance. Consequently, every regulatory agency wants the same power.

This agency desire is not necessarily evil. Advocates for protection of the public welfare are needed. But unfortunately the organ of government that should function to

curb excessive regulatory zeal—the legislative bodies—are not inclined to provide this braking function, especially when the issue is politically hot, and the public wants action. Again when crimes are tacked onto such bills, Congress seldom discusses the wisdom of making certain commercial or financial behavior subject to criminal penalty.

One example from the securities enforcement field illustrates this lack of reflection by our national lawmakers when enacting such criminal laws. As a general proposition, the government faces a number of definitional problems in enforcing the securities law. Nowhere is this more evident than in the regulation of insider trading. However, neither the Securities Act of 1933³ nor the Securities and Exchange Act of 1934⁴ define insider trading. Rather, engaging in such trading is subject to penalty under the general anti-fraud provision of rule 10b-5.⁵ In fact, given the absence of a specific prohibition against insider trading in these statutes, some argued prior to 1984 that Congress in passing the securities laws in the 1930s did not intend to

prohibit insider trading.

Then came the “boom-boom” eighties, and with it some of the most serious securities violations cases involving such now-infamous people as Ivan Boesky and Dennis Levine. With all the media attention and public clamor for government action, Congress soon turned its attention to the problem and passed the Insider Trading Sanctions Act of 1984.⁶ Clearly, from its legislative history, Congress intended this Act to give the Securities and Exchange Commission the power to curtail the perceived spread of insider trading. With the passage of the 1984 Act, Congress rejected the notion that such trading was permissible.

However, in its haste to pass this legislation and satisfy



the public demand for a criminal law solution to this problem, Congress failed to define the term "insider trading" in the Act. Consequently, reading the statute will provide no specific information as to what behavior is criminal. "The absence of an 'insider trading' definition has resulted in a series of judicial decisions that have upheld the government's creative attempts to curb inside deals despite serious deficiencies in the proof presented."⁷

According to Senator Alphonse D'Amato, then chair of the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs, Congress decided to pass this bill without providing a definition of the insider activity that could result in criminal penalty because of "the complexity of the undertaking, and the necessity for prompt action."⁸ Senator D'Amato did not address why such prompt action was necessary or why in the fifty years from 1934 to 1984 sufficient experience was not developed to provide a definition of the crime.

We know, of course, that Congress was reacting to electorate dissatisfaction with a legal system that seemed to favor the wealthy—an important reason why prompt action was necessary to curb insider trading. The result, however, was to create a law that provides for serious and substantial civil and criminal penalties, but that does not define with any precision the activity proscribed. To free citizens, this 1984 Insider Trading Act is worrisome even in isolation, but it is profoundly disturbing when it is viewed against the backdrop of the growing number of white-collar crimes that are created with little thought to purpose or with any precision in definition.

We have in the federal code, for example, environmental control crimes, banking crimes, communication and information access crimes, not to mention tax and securities crimes. In addition to these general areas of enforcement, the federal code contains a number of strange criminal penalties buried in various sections. For example, you commit a crime if you sell the feathers of an endangered bird even if you do not know it is against the law to sell such feathers, even if you did not kill the bird, and even if you do not know the bird is endangered.⁹ This rather comical example has, however, a serious point. In our effort to correct social ills—such as insider trading or environmental pollution or destruction of endangered species—we have resorted too frequently and with little thought to the criminal law.

The federal government is not alone in this behavior. A review of any state code will find similar sanctions against commercial and financial activity. A reading of the legislative history of these state crimes will reveal a similar lack of evaluation of the consequences that flow from subjecting

such behavior to criminal sanction.

A recent California law provides an excellent example of this proliferation of criminal statutes at the state level. California has made it a crime for a corporation or a corporate manager to conceal a dangerous defect from the public.¹⁰ Under the law a corporation *or* corporate manager is required to report the defect to a state regulatory authority. The law defines "manager" to include any person who has management authority in a business, but the law does not define "management authority." Conceivably it could include middle management or even floor or production managers. In addition, the law defines a dangerous defect as one that creates a substantial probability of death or great bodily harm. Such a broad definition is of little practical value to managers trying to decide what defects must be reported.

Thus managers may decide to report any defect that is arguably within the definition in order to avoid even the remote chance of personal criminal liability. This reaction in turn could have long-term serious consequences for business development in California. It could discourage somewhat risky business endeavors, or it could discourage those entrepreneurs who are willing to engage in manufacturing of any kind. The ultimate result could be an economy more service- than production-oriented.

These consequences are all important possibilities, and whether the State of California ought to risk these effects would have been a logical point of debate and reflection before passage of the act. Yet a review of the legislative history reveals little such debate. In passing this legislation, the California Assembly wanted to protect citizens from lethal product defects. This purpose is clear from the legislative history, and although this is a worthwhile goal, one must question whether resorting to the criminal law was the best means by which to accomplish this purpose, and further one must regret why this question was never addressed.

The Transformation of Traditional Criminal Law Protections

Financial and commercial crimes are often difficult to prove. They leave no gun, fingerprints, or stolen property. Very often the proscribed activity is complex, and establishing all parts of the web of proof can be close to impossible. Yet the Constitution protects a defendant against conviction "except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged."¹¹ Therefore, no matter how complex or difficult to explain, the government has to prove every element of a crime charged.

Interestingly, courts have accommodated the government in the prosecution of complex commercial crimes by creating or expanding the application of several evidentiary proof devices that make the prosecutor's work easier. Two such devices are the doctrines of "conscious avoidance" and "collective knowledge." Both doctrines make it easier to prove the element of mens rea. Because many of the statutes that subject complex commercial activity to criminal penalty require the government to prove specific intent—defined as a voluntary, intentional violation of a known legal duty¹²—prosecutors often find the element of mens rea the most difficult to prove. Thus the doctrines of conscious avoidance and collective knowledge assist the government in proving beyond a reasonable doubt that the defendant knew what the law was and intentionally disregarded it.

The doctrine of "conscious avoidance" permits the inference that the defendant knew the law from the defendant's willful blindness to or conscious avoidance of the existence of the law.¹³ This doctrine allows a prosecutor to argue that if the defendant did not know the law, it was only because he consciously chose not to know it. For example, by using this doctrine a prosecutor could pursue an investor under the insider trading statute without ever having to prove that the defendant knew that the law forbade certain conduct. The prosecutor would only have to show that the defendant had an opportunity to learn of the law's prohibition but consciously chose to blind himself to the knowledge.

So if, hypothetically, an investor knew that Ivan Boesky had been convicted of securities fraud but decided to rely on Boesky for an interpretation of securities fraud under the law, this behavior could constitute conscious avoidance. Further, by asking the jury to draw the inference of conscious avoidance from these facts, the government would never have to prove that the defendant actually knew that his activity was illegal. Thus the doctrine permits a shortcut around the requirement that specific intent be established beyond a reasonable doubt.

The doctrine of "collective knowledge" allows a jury to

find corporate willfulness by aggregating the knowledge of individuals employed by a corporation, even if not one person in the corporation had full knowledge of the law and the corporation's acts in disregard of that law. Under this doctrine a corporation can be pursued criminally if one employee or officer knew that the law forbade such behavior

by the company but did not know that the corporation was engaging in such behavior, provided another employee or officer knew that the corporation was in fact so behaving, even if the second employee did not know that the company's behavior was illegal.¹⁴

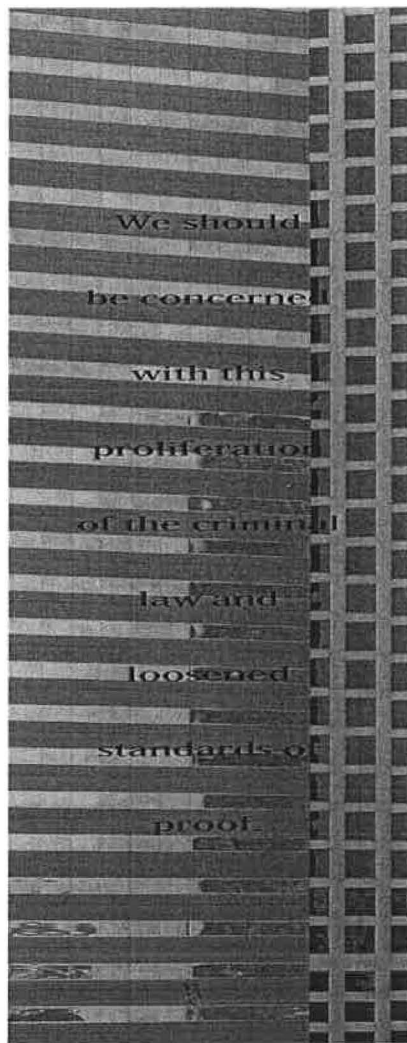
So for example, one employee could know that a corporation was polluting a river but not know that the action was illegal. Another employee—such as in-house counsel—could know that this behavior was illegal without knowing that pollution was occurring. Under the doctrine of collective knowledge the corporation would be deemed to have sufficient knowledge to be convicted of an environmental crime.

I have argued elsewhere that this judicial accommodation to ease the prosecution's formidable task of proving mens rea in complex commercial crimes encourages government use of criminal penalties in inappropriate cases. The reasons why the judiciary provides this accommodation are difficult to fathom, but the result is clear. The judicial branch of government seldom provides legal authority that would discourage legislators from ex-

panding the use of criminal penalties in regulating commercial and financial activity.¹⁵

Consequences

At this point some are no doubt asking whether anything is wrong with this proliferation of criminal laws. Should we really care if the Ivan Boeskys of the world cannot rely on a clear definition of insider trading or if a corporate polluter has to face criminal penalties even if no one person within the corporation had sufficient mens rea? I believe that we should be concerned with this proliferation of the criminal law and loosened standards of proof for four reasons.



First, having so much behavior subject to criminal penalty reduces the stigma attached to a criminal conviction. If we ask our citizens to view the person who sells endangered bird feathers in the same light as they view the arsonist or rapist, then we will diminish over time the stigma attached to criminal penalties.¹⁶

Second, this proliferation reduces the ability of the criminal justice system to provide moral education. The purposes of the criminal law are to provide retribution, to create deterrence, and to educate our citizens morally on what is considered wrong behavior. This last reason—to provide moral education—is the most difficult. Often the majority's view of morality conflicts with a smaller group's freedom. We have seen this in the Mormon polygamy case¹⁷ and the Georgia sodomy case.¹⁸ And at times the majority has been wrong—most notably in the racial context, when the majority passed criminal laws forbidding racial intermarriage or assisting a slave to reach freedom.

Noting this danger, however, does not take away from the truth of the proposition that the rhetoric of the criminal law is important in providing moral education. It is both a powerful message of affirmation of community and a powerful message of rejection to those who violate the community's peace. However, if the criminal penalty is applied to a host of financial and commercial activities, difficult to define and unlikely to be recognized as violative of community peace, then we risk losing the power of the criminal law to provide this moral education.

Third, if we become dependent on the criminal law to correct perceived social problems, then we may lose the ability to correct these problems without censure or blame. Some financial and commercial activity is egregious and should be censured to the full extent of the law. However, if we condemn and blame the more innocent behavior, we may never be able to reconcile differences and see other options. Other options may include civil penalties, license revocation or suspension, or compensation to the community.

Fourth, with this increasing reliance on the criminal law we may become a nation that is safe, but not free. This could affect the willingness of individuals to start a new business or risk a new manufacturing process. This is not to say that we do not need regulation. We cannot return to the past when regulation was irregular and infrequent. But we must ask what kind of regulation best serves our goals. We should search for a package of regulations in any field that strives for consensus and fosters community. This search will lead to fewer criminal penalties for commercial and financial activity although it will not forgo the use of the criminal law

in the appropriate areas *after due deliberation*.

I fear, however, that if we continue on our path of increasing reliance on the criminal law in order to obtain compliance, we will discourage risk-taking while at the same time encouraging moral disdain for the law. Thus to overuse the criminal law in these areas may cause this powerful tool to mutate into a danger greater than that it was intended to correct.



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Criminal Section. While at the Justice Department she received the Outstanding Attorney Award. Professor Eads teaches in the areas of professional responsibility, evidence, trial advocacy, criminal tax fraud, and women and the law.

This article derives from a talk Professor Eads gave to the SMU-Dallas Breakfast Forum on April 1, 1993.

¹ For purposes of this article, "white-collar crime" is defined as prohibited behavior that is primarily commercial or financial in nature.

² W. John Moore, *National Journal*, May 8, 1993, at 1140.

³ Pub. L. No. 73-22, 48 Stat. 74 (codified as amended at 15 U.S.C. §§ 77a-77aa (1988)).

⁴ Pub. L. No. 73-291, 48 Stat. 881 (codified as amended at 15 U.S.C. §§ 78a-78kk (1988)).

⁵ 17 C.F.R. § 240.10b-5 (1990).

⁶ Pub. L. No. 98-376, 98 Stat. 1264 (codified as amended in various subsections of 15 U.S.C. § 78 (1988 & Supp. I 1989)).

⁷ Linda S. Eads, *From Capone to Boesky: Tax Evasion, Insider Trading, and Problems of Proof*, 79 Cal. L. Rev. 1421, 1458 (1991).

⁸ 130 Cong. Rec. S8913 (daily ed. June 29, 1984) (statement of Sen. D'Amato).

⁹ 16 U.S.C. § 1540 (1988).

¹⁰ California Corporate Criminal Liability Act, Penal Code § 387 (1991).

¹¹ *In re Winship*, 397 U.S. 358, 364 (1970).

¹² *United States v. Pomponio*, 429 U.S. 10, 11 (1976) (per curiam).

¹³ *United States v. MacKenzie*, 777 F.2d 811, 818 (2d Cir. 1985), cert. denied, 476 U.S. 1169 (1986); *United States v. DeVeau*, 734 F.2d 1023, 1028 (5th Cir. 1984), cert. denied sub nom. *Drobny v. United States*, 469 U.S. 1158 (1985).

¹⁴ *United States v. Bank of New England, N.A.*, 821 F.2d 844, 855-56 (1st Cir.), cert. denied, 484 U.S. 943 (1987).

¹⁵ See Eads, *supra* note 7.

¹⁶ Herbert L. Packer, *The Limits of the Criminal Sanction* 273 (1968).

¹⁷ *Reynolds v. United States*, 98 U.S. 145 (1878).

¹⁸ *Bowers v. Hardwick*, 478 U.S. 186 (1986).

groups of five, which receive training in basic business skills. Upon completion of the training, two of the five are eligible to borrow a small amount of money for a project chosen by the borrowers themselves. The members of the group choose which two members receive the money first and review the feasibility of the proposed project. Once the first two members establish a record of repayments, then two more members become eligible to borrow. Once the second two members establish a record of repayments, the remaining member can borrow. In this manner, all members of the group enjoy the right of access to receive additional loans in the future. Successful repayments build morale (strength) in the group.

jeopardy... success... the future... group... popovers

group took further, large, in this, in, of, ve, tale
process, car, qualify, for, it, m, love, the, air, no, l, i, v, i, a, l, ve, i

The Costs of the Corporate Attorney-Client Privilege

By Elizabeth G. Thornburg

The attorney-client privilege is a well-established feature of the American legal system. Current American beliefs about the purpose and effect of the attorney-client privilege have reached mythic proportions. Furthermore, myths developed in the context of human clients have been transferred uncritically to the corporate client. Myths developed to protect trial testimony have

been transferred just as uncritically to issues of discovery in civil cases.

This article looks at the corporate attorney-client privilege in civil litigation, and especially in discovery. It focuses on a myth concerning the effects of privilege, a myth that posits that the corporate attorney-client privilege is virtually cost-free. The client, say privilege proponents, would not communicate with the attorney without the protection of the privilege; if there were no privilege there would be no communication. Therefore, protecting the communication with a privilege results in no net loss of information, but merely denies the litigation opponent access to information that would not otherwise have existed. This examination argues that privilege, far from being benign, does great harm to the truth-seeking function of litigation and imposes tremendous transactional costs on the litigants and on the judicial system as a whole.

Loss of Information

One common result of the corporate attorney-client privilege is the suppression of relevant information. While in theory the privilege protects only the communication and not the underlying information, in practice the privilege may for a number of reasons prevent a litigation opponent from discovering the information. First, the person seeking discovery may be unaware of the existence of the information embodied in the privileged communication and therefore may not ask for it. Second, a discovering party may fail to learn information due to evasive conduct coupled with a privilege claim. For example, when a corporation uses the attorney-client privilege to protect information in one form, and then evades attempts to discover the information in nonprivileged form, the result easily may be that the information is never discovered.

Such evasive conduct is common. In an American Bar Foundation survey 61 percent of the attorneys complained about evasive tactics. One of the attorneys surveyed admitted that "[t]he purpose of discovery is to give as little as possible so [your opponent] will have to come back and back and maybe will go away or give up."¹ A discovering party failing to ask exactly the right question in exactly the right words to force a revelation of the information may never manage to gain access to the relevant information.

When the party claiming privilege and evading discovery is a corporation, the discovery difficulties stem from a combination of the diffusion of corporate knowledge and the problem of identifying "client representatives" in the corporate setting. A few examples serve to illustrate the problem.

The Straight Privilege Claim

XYZ Corporation, a manufacturer of consumer widgets, is sued by a consumer who was injured by the widget and alleges that it was defective. The corporation has an employee named Smith whose job is to test new products. Assume that Jones, the president of XYZ, instructs Green, the vice-president, to call the corporate attorney and tell him that Smith has admitted that the widget was known to be defective before it was marketed. If the plaintiff deposes Green and asks what the president said to Green or what Green said to the attorney, both Green and Jones would be held to be "representatives of the client," and the privilege would allow Green to refuse to answer the question. This direct method of learning about Smith's warning is thus closed to the plaintiff.

If the plaintiff instead deposes Jones, the president, and asks him what Smith said, the president should be required to testify about what Smith told him. This communication went straight from employee to employee for business purposes. Unfortunately, the claims and the case law are not so clear. Many corporations would still claim a privilege, based on the attorney's need to gather information. The argument goes like this: no single corporate employee is likely to have

A discovering party failing to ask exactly the right question in exactly the right words to force a revelation of the information may never manage to gain access to the relevant information.

all the information the lawyer needs to advise the corporation; therefore, corporate employees need to be able to gather this information for the lawyer. If there is no privilege for what Smith told Jones, Jones will be reluctant to seek out this information for fear that it will be used against the corporation, and the attorney will not get all the information needed to represent the corporation. After all, if the attorney interviewed Smith directly, their conversations would be privileged; inserting Jones as investigator/lawyer's helper should not change the character of the conversation. Smith is still providing information for the lawyer, and Jones is serving as a mere conduit.

This approach can be multiplied by the number of corporate employees and corporate records needed to provide information for the lawyer. When the lawyer or client representative consults the corporate records or other employees in order to answer a question from a corporate attorney (or from opposing counsel at deposition or by interrogatory), those consultations are regarded as lawyer-client communications. By this reasoning the client representative being deposed, or the corporation in answer to interrogatories, claims privilege and refuses to answer.

How, then, can the plaintiff learn anything if such privilege claims are sustained? He will need somehow to identify those employees who have personal knowledge of the relevant facts and depose each one. Further, he will need to identify and seek production of those documents that have not reached the lawyer's office. For a plaintiff suing a small corporation, this discovery method will be cumbersome and expensive, but possible. With a large corporation, the problem may be insuperable. The plaintiff can request the corporation to designate deponents with knowledge of certain areas, but if the corporation has any choice, it will never designate Smith. In addition, the designated deponents will still claim privilege as to any knowledge acquired through investigative activities. The plaintiff can also ask the corporation by interrogatory to list all persons with relevant knowledge and proceed to depose them. Again, for a small corporation this approach should work, but with a concomitant increase in discovery costs. A large corporation could list more people than a plaintiff could ever afford to depose, and Smith may easily get lost in the shuffle.

The Structured Flow of Information

A corporation that anticipates and plans for litigation can do even better at hiding information, even in a control group jurisdiction. The key is to channel the flow of information through the corporate attorney wherever possible and to

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eliminate any paper trail not in privileged form. Suppose that XYZ Corporation has become concerned about its widgets and wants to make an internal investigation even before anyone has actually been injured or threatened to sue. How can the corporation maximize the protection of information?

Jones, the president, will contact the corporate attorney and ask for an investigation. The attorney, personally or through other corporate employees, will investigate and interview all of the employees with knowledge of relevant facts. This investigation will be documented in the form of interview notes, which will be provided directly to the attorney's office. The employees interviewed will be instructed not to memorialize their discussions with counsel in any writings or records and not to prepare any writings or records for meetings with counsel. The lawyer will take all of these investigatory materials and submit a written report to corporate management. The report will synthesize and analyze the facts uncovered during the investigation and analyze the relative strengths and weaknesses of XYZ's position. The report will not contain mere verbatim transcripts or recordings of employee interviews or documents. Rather, to the extent possible, the notes and findings from either employee interviews or document reviews will be expressed in terms of the attorney's own impressions, opinions, conclusions, and legal analysis. Then, if the lawyer can

bring herself to do it, she will destroy the original interview notes. During the investigation, the lawyer may also do a "litigation audit" and recommend the destruction of any preexisting documents that might be harmful to XYZ should litigation ensue. If the procedure is thorough, all that remains is a nondiscoverable privileged report. Any plaintiff would face the prospect of identifying and deposing every employee with needed information.

Privilege Claim Plus Deception

The procedures and privilege claims outlined above can sometimes be used to hide unfavorable information from the litigation opponent while purporting to provide it. Consider XYZ Corporation. Assume that a plaintiff-consumer has sent an interrogatory asking whether XYZ adequately tested the widget. Assume further that XYZ's research and development department has five engineers, including Smith. Smith has told the corporate attorney that the testing was inadequate, that some of the documentation making it appear that tests were done was falsified, and that the engineers structured the tests so as to avoid exposing a known problem in the widget's design. The other four engineers told the lawyer that the testing was fine. All of these conversations are privileged. XYZ answers the plaintiff's question merely by saying that it adequately tested the widget. If requested it will provide the documentation on the tests. XYZ further identifies the other four engineers as persons with knowledge of the testing procedures. XYZ does not mention Smith's opinion.

Is this response a lie? Not exactly. But it is an incomplete picture of the information available to XYZ and clearly misleading to the plaintiff. The privilege contributes to the scenario by letting the lawyer and corporate entity decide which of the employees' conflicting stories to put forward as the only available information. While presenting its favorite version of the facts, the corporation simultaneously claims privilege as to any document reflecting Smith's concerns (if these documents haven't hit the shredder long ago) and as to any conversation between Smith and the lawyer. If documents do exist and the lawyer acts ethically, the corporation will acknowledge that documents exist, but claim privilege. Less responsible lawyers may make a "silent assertion" of the privilege. Thus the corporation makes and rules on its own privilege objection, and the plaintiff may never know that the information exists in order to pursue it in unprotected form.

As these examples demonstrate, limits on discovery affect the adversary system's ability to function as an accurate

fact-finding mechanism. When information is successfully suppressed during discovery, its ultimate fate depends on whether it is helpful or harmful to the party holding the information. If the case is settled, the information will never be disclosed and whatever impact it might have had on the settlement is lost. If the case goes to trial, a problem still remains. If the information is helpful to the party claiming privilege, that party can wait until trial and produce the information as a surprise to its opponent. Trial by ambush is resurrected by virtue of the corporate attorney-client privilege. If the information is harmful to the party claiming privilege, it will never see the light of day. The party with the information will not present it to the trier of fact, and the adversary system will not function effectively because the fact-finder is deprived of relevant information.

Information in Less Useful Form

The attorney-client privilege admittedly denies parties access to certain documents and oral communications. Its mythology claims, however, that the substantial equivalent of the privileged material is discoverable if a party properly frames its discovery request. As discussed above, that may not be the case. And even when a carefully worded question or request retrieves related information, it may be in less useful form.

In many cases, the corporation takes statements from employees when the relevant information is fresh in their minds. If a lawsuit is filed by or against the corporation, its opponent will be denied access to the privileged communications themselves, and the opponent is left to interview or depose the employees to try to get equivalent information. Such interviews and depositions, however, may take place weeks, months, or even years after the relevant events occurred. The employee-witnesses' recollections may have weakened over time, or may have been enhanced or shaped by intervening conversations with management or the corporate attorney. Employees also are likely to be less forthcoming with opposing counsel than they were with the company lawyers. This information, then, even if discovered, is apt to be in less helpful form than the employees' original statements.

Risk Shifting

The choice to encourage communications with the attorney, at the expense of litigation opponents or the public generally, operates to shift a risk. "By encouraging client disclosure through secrecy guarantees, the state protects cli-

ents who otherwise would jeopardize their case by withholding information.”² Rather than letting those clients decide whether they want to hide information, and leaving them to face the consequences, we provide them with a privilege and allow their opponents to face the consequences. The attorney-client privilege thus shifts the cost of potentially harmful information from the client withholding information to the opposing party who will be harmed by the nondisclosure.

This misallocation of risk shifts the potential cost of unfavorable information from the corporate client to the litigation opponent. The corporate client thus can pursue claims and defenses not merited by the facts with a decreased risk that the unfavorable information will be discovered, and with a certainty that its opponent will face higher litigation costs. The result is an inappropriate allocation of costs and benefits to the detriment of litigation opponents, which can adversely affect the judicial process by changing case outcomes.

Societal Costs

The privilege imposes costs on society. First, during litigation the privilege requires a duplication of efforts: time, money, and resources are wasted on preparation for litigation. Second, privilege claims tend to generate disputes separate from the merits of the case. A decision about privilege requiring a court to conduct an *in camera* inspection of the disputed documents, or an evidentiary hearing, increases the problems of delay and docket backlog in the trial courts. The consequent costs, both in terms of delayed case outcomes and in terms of the increased costs of administering the judicial system, are passed on at least partially to the public.

Third, as noted above, corporations have the ability to structure their behavior in a way that maximizes the applicability of the attorney-client privilege. This behavior often requires increased use of attorneys as conduits for corporate information and as “litigation auditors” in an attempt to shield as much information as possible. The cost of additional attorneys is a direct cost for the litigants, but it can also be passed on to shareholders and to consumers, thus becoming a cost to society.

Finally, the privilege imposes a nonmonetary cost on society. Successful privilege claims sometimes result in cases being settled or tried with parties to the cases missing relevant information. In a particular law suit the outcome may be no more than an error in the division of stakes among the parties. Lawsuits, however, also serve to take existing legal rules and to apply them accurately in a way that influences

future behavior. This principle might be called the “general deterrence” function of litigation. The more accurate the application of the rules in particular cases, the more effect the rule itself will have in influencing behavior. Therefore, when privilege claims, by allowing information imbalance, skew case outcomes, the general deterrent value of litigation in society decreases.

The truth-garbling effects of the privilege are particularly pernicious, because instead of being random they assure that the favored litigants will over time consistently prevail in cases that they should have lost. Instead of an evenly divided series of cases in which privilege claims change the outcome of cases, the changes are primarily in a single direction—in favor of corporations, especially those which appear in court as repeat litigants and defendants. The potential deterrent function of litigation therefore becomes not merely unreliable, but slanted. Because the privilege allows corporate defendants to benefit from their evasive conduct, they are under-deterred from engaging in illegal activity. While this state of affairs makes the privilege attractive to the corporate clients, it makes it untenable for society as a whole.

The time has come, then, to reevaluate the corporate attorney-client privilege. The benefits of the privilege are overstated, and the costs enormous. The twentieth century is drawing to a close, and it would be fitting for the century that enshrined the privilege to be the one to debunk it. We need to face the truth and let the myths go.



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This article is drawn from a longer article, “Sanctifying Secrecy: The Mythology of the Corporate Attorney-Client Privilege,” published in 69 *Notre Dame Law Review* 157 (1993).

¹ Wayne D. Brazil, *Civil Discovery: Lawyers' Views of Its Effectiveness, Its Principal Problems and Abuses*, 1980 Am. B. Found. Res. J. 789, 829.

² Fred C. Zacharias, *Rethinking Confidentiality*, 74 Iowa L. Rev. 351, 366 (1989).

In Memoriam: A. Kenneth Pye (1931-1994)



With deep regret we record the passing of A. Kenneth Pye, who served as president of SMU from 1987 until earlier this summer, when he retired from the position because of failing health. Pye brought to SMU a keen understanding of national issues affecting all colleges

and universities. He proposed academic reforms that resulted in curricular changes designed to prepare students for leadership in a global society; strove to increase campus diversity; and restored the

integrity and credibility of SMU's athletic program.

Pye came to SMU from Duke University. During his 21-year association with Duke he served twice as dean of its law school, twice as chancellor of the university, and as its acting president.

From 1982 until he assumed SMU's presidency, he held Duke University's prestigious Samuel Fox Mordecai Professorship of Law.

Pye received his B.A. (summa cum laude) from the University of Buffalo and his J.D. and LL.M. from Georgetown University. He also held honorary doctoral degrees from Alaska Pacific University, Belmont Abbey College, Duke University, Georgetown University, and the University of Notre Dame. His service to the academic and wider community included a term as president of the Association of American Law Schools, membership in the ABA's House of Delegates, and, in 1991-92, the chairmanship of the Citizens' Commission on the Texas Judiciary.

When Pye retired as president of the university, the School of Law appointed him the William Hawley Atwell Professor of Constitutional Law. In announcing his appointment, Dean Paul Rogers noted that Pye, a nationally recognized constitutional law scholar, had held a tenured professorship in the law school since his arrival at SMU. "The law faculty and I believe it is most fitting that Ken Pye should be our Atwell Professor," said Rogers. "His contributions to higher education generally and to legal education specifically cannot be overstated. For the past seven years, he has given his heart and soul to the continued advancement of SMU, and he has left an enduring imprint on our university."

In Memoriam: Roy R. Ray (1902-1994)

With great sorrow I report to you the passing on May 18, 1994, of Professor Roy R. Ray. He was in his 92nd year. Professor Ray was an institution at the law school. He was born in West Virginia and was educated at Center College in Kentucky. He earned an LL.B. with distinction at the University of Kentucky and an S.J.D. from the University of Michigan. He joined the SMU law faculty in 1929—four years

after the law school opened its doors. He continued to serve SMU as a scholar and teacher for the next 41 years. Until four years ago he was a constant visitor at the law school, coming to his office almost every day and still very much involved in the life of our law school community. During his many years on the faculty Professor Roy Ray was a caring taskmaster in the classroom, with a wonderful and warm sense of humor and a gift for anecdotes. He never tired of nurturing young faculty and was always concerned for the well-being of them and their families. His place in the history of the SMU School of Law cannot be overstated. We are a much better institution because of his tireless devotion and dedication on our behalf.

A memorial service for Roy Ray took place on May 20, 1994, the day before this year's commencement and law school hooding ceremony. Two of the following tributes to Professor Ray, those by Lennart V. Larson and Harvey Wingo, were delivered at this memorial service. Charles O. Galvin would have presented his eulogy at the service also, had he not been out of the country at the time. This memorial to Roy R. Ray would be incomplete without it.

*C. Paul Rogers III
Dean and Professor of Law*



*D*ear Virginia and Pat, loving grandchildren, loving great grandchildren, colleagues, students, members of the bench and bar, friends all of Roy Robert Ray.

Many years ago Roy and I made a bargain. We had both been so critical and so outspoken on various issues around SMU that we were convinced if either one of us died, no one would come to the funeral except the immediate family. Accordingly, we agreed that whichever one died first, the other would come to the funeral to say a few words and thereby swell the crowd of outsiders to at least one. In recent months Roy reminded me several times of our contractual commitment to each other—and I assured him that the eulogy was already prepared.

This is a tough assignment for me, for in these last several years I have lost four esteemed and respected colleagues: Professor Albert Cook Outler from the Perkins School of Theology with whom I worked closely on many assignments, Professor John Edward Kennedy whom I recruited for the School of Law, Willis MacDonald Tate, a personal friend and former president of SMU and certainly one of the best presidents a dean could ever have, and now Roy Robert Ray. But of all

these I knew Roy and was in closest association with him for the longest time, indeed, dating back to 1940.

He was a continuing source of wisdom when I was dean of the law school. He had an excellent perception of quality in professional education and what it takes to produce the fine lawyers of which SMU is surely proud.

We are here today not to mourn but to celebrate with great joy a fantastic life. Roy had his undergraduate degree from Centre College, his law degree from the University of Kentucky, and his Doctor of the Science of Law degree from the University of Michigan. Throughout his life he was dedicated to teaching and scholarship. His splendid treatise on *The Texas Law of Evidence* is on the desk or in the library of every lawyer or law firm in Texas.

He was completely and totally committed to SMU and its law school. During the depression of the 1930s Roy and other SMU professors were subject to severe cutbacks in salary—10 percent, then 50 percent, and during one year the University simply omitted the last two salary checks for the academic year. There was no money, no credit, for the well had run dry. After the Rose Bowl Game of 1936 the University made up the back pay, so it must be said that that was surely a time in which the football team served the best academic interests of the University. Yet despite these hardships Roy and his colleagues did not flinch or flag in their loyalty to the institution and its students. They continued to meet their teaching obligations and maintain excellence in their disciplines.

During World War II he served in the Office of Price Administration and then returned to SMU to continue teaching.

In later years he was especially generous to Centre College, Berea College, the University of Kentucky, and, of course, SMU. Long after retirement, Roy continued his legal research to provide annual supplements to his treatise on evidence.

Roy was a long-time member of the Highland Park Methodist Church, a great religious institution of this city. He knew all the pastors: Umphrey Lee, Marshall Steele, Bill Dickinson, and Leighton Farrell, all of whom have given leadership to the church and an inspiration to SMU.

Roy as a Christian was a believer. In the Latin Requiem Mass for the dead in the Catholic liturgy there is the Latin phrase: *vita mutatur non tollitur*; that is, life is changed, not taken away. Roy believed that, and so do I.

I am sure that I will see Roy again and when I do, he will greet me with several thousand well chosen words of criticism of all the things I did wrong and, maybe, just maybe, a thousand words of comment on something I did right. And he'll be right on both counts.

I come back to the beginning. This is not a day of sadness but a day of rejoicing about a life full to overflowing, a life of service to countless hundreds of students who as lawyers are really an extension of the training and discipline of fine teachers, scholars like Roy. Roy would insist that on this day we rejoice in his life and in his success, and I am indeed privileged to be part of this celebration in his honor.

Charles O. Galvin
Law Faculty, 1952-1982
Dean, 1963-1978

I came to the SMU law school as a young law professor right after World War II in 1946. Since that year and until his death I was Professor Roy R. Ray's colleague and good friend. I had continuous opportunity to observe his work, his ways, and his relationship with family and associates.

I want to speak of Roy's outstanding qualities, which all of his friends and associates recognized. In a sentence, Roy was scholarly, an able advocate, had judicial temperament, was loyal to his family and friends, and was dedicated to the institutions he loved and served.

Roy received his LL.B. degree from the University of Kentucky in 1928 with honors. The following year he spent at the University of Michigan Law School on a fellowship. In 1929, at the invitation of Dean C.S. Potts, he came to the SMU School of Law as a young teacher. He brought with him his new bride, Virginia. Roy told me of the struggle he had had in deciding whether to come to SMU or to accept a position with a fine law firm in Alabama. Eventually the choice was SMU, and the

course of his professional life was set in Academe. In 1930 he finished his thesis—in record time—and received the S.J.D. degree from the University of Michigan.

Roy remained with the SMU law school until he retired in 1970. His service was continuous except for four years with the Office of Price Administration during World War II and two years of teaching at Vanderbilt University. Part of one year he had a Fulbright Professorship in Korea. His scholarship as a law professor was manifested in both teaching and writing. His main courses were Torts and Evidence, and he was meticulous and demanding in both.

Roy's writing met high standards of scholarship. In the 1930s he and the late Charles T. McCormick, dean of the University of Texas Law School, produced a thick text, *The Texas Law of Evidence*. A second edition came out in the 1950s. In 1980 a three-volume set was published with Roy Ray shown as the author. I can see Roy now, sitting in his office in the 80s, working with his 3" x 5" cards in keeping up the pocket parts for the treatise.

Roy was disciplined in setting his schedule for work. Besides the work on the treatise, he wrote articles dealing with improvement of the law of evidence and related matters. His writing style was articulate, clear, and uncomplicated.

Roy was an able and fluent advocate. This was manifested in our faculty meetings. Sometimes we grumbled that he was effective because we could not get a word in edgewise. He was analytical and readily identified critical issues. Roy was a good man to have on your side. There comes to mind an occasion in the 1950s when two of us younger faculty moved and seconded that the course in Common Law Pleading be abolished. (Later generations of students have us to thank for this.) There was a conservative sentiment in our faculty, but Roy Ray helped us carry the day.

Roy had good judicial temperament. This came into play during his years with the OPA, when he frequently served as a hearing officer. In his retirement years he was put on rosters of acceptable arbitrators and decided literally hundreds of labor disputes.

Roy Ray loved his family. He was completely loyal and supportive of his wife Virginia, his daughter Pat, and his grandchildren.

Roy had a large following of admiring alumni. He had extensive correspondence with them, particularly foreign students who came to our law school. As the person deputed to look after Roy's mail when he became ill four years ago, I was fascinated that by courtesy of a former student he continued to receive a Bangladesh newspaper reporting political events in that country.

Roy was generous to the schools that nurtured or were served by him. He and Virginia have made large gifts to Centre College, Berea College, the University of Kentucky Law School, and to the SMU School of Law. During his professional life, he dedicated himself to the upbuilding of the faculty, the student body, and physical properties of the SMU law school.

Roy's last four years were spent in the Presbyterian North Nursing Facility. He was disabled by strokes, but his mind remained sharp to the end. It was sad that his eyesight failed so that he could not read. He could, however, make out television programs, and he enjoyed political talk shows and sports events. He liked to be given advance notice of visitors, and we always found him neatly dressed and alert.

I am honored to have been asked to make this statement about Professor Roy Ray. Thank you.

Lennart V. Larson
Professor Emeritus of Law

Roy Ray was one of the first people I met from SMU. He was one of the three who interviewed me for a teaching position in January 1967. I quickly grew to respect Roy as a distinguished evidence scholar and I will always remember him, of course, as a highly valued colleague and teacher. But he was more—he became a mentor and a father-figure for me. And now, perhaps ironically, I think I will remember Roy most for what I learned about him and from him during the last four years of his life—after he left his office at the law school and began to live at Presbyterian Village.

Roy loved to talk. And so, when I visited him, we talked a lot. You learn what people love when they talk, and Roy talked with me about the things he loved.

Naturally, we talked a lot about SMU, particularly the

law school of course, and all the people there—the old timers and old times. But he was also eager to know what was going on now. “What’s new at school?” he would ask. So, I would tell him, and frequently he would have an opinion about what I told him. When I told him about changes in the first year curriculum: “Well, I’m not sure that’ll work.” Or when I told him who would be giving the annual Roy Ray lecture: “Sounds like probably a good choice.” He also wanted to know as much as I could tell him about all of our new faculty. It was an annual question about August or September: “Now, who are the new faculty this year? Tell me about them.” He was genuinely interested.

We talked about sports, especially SMU sports. On this subject, Roy stayed up to date on his own. In fact, he sometimes brought me up to speed based on what he had just read in the newspaper or heard on television. I think I first realized he was really failing when he apparently was unaware that SMU was probably going to be a part of an expanded Western Athletic Conference.

Roy talked about the people he loved. He talked about Virginia—sometimes about their life together in the old days—good memories of vacations they took together. Sometimes about their life at Presbyterian Village—the special Thanksgiving dinner they shared in his room—how well Virginia was progressing—how far she was walking each day.

He talked about his daughter, Pat, and her family, and kept me posted on their activities. I knew when Pat was visiting her daughters who lived in Georgia, or when she and her husband, Hoyt, were spending a few days in North Carolina. He would show me the cards Pat had sent with pictures of the beautiful North Carolina mountains. But I knew what he liked to tell me most was that Pat was making the trip from Tennessee again to see him.

Roy talked about the people I love. Virtually every time I visited him, he asked about every member of my family. He remembered things I had told him a year or so earlier about my children. Several times he caught me in a mistake about things I was trying to remember about my own children.

Roy could sound gruff at times, but it was so obvious to me that this was a man who truly cared. He cared

about the University and the law school he had been with for so long. He cared about the people there—those he had known for years, but also those he had never even met. He cared about his friends and their families. He loved hearing good news about my children. And he cared—deeply—for Virginia and for Pat and her family. He wanted all to be well, and he worried and suffered when all was not well.

We sometimes talked about what was not well. Mostly I remember conversations about his own situation—his failing health and all the other problems that come with aging. He didn’t like them! But Roy never really lost his perspective, and he certainly never lost his sense of humor. Sometimes when it seemed he was most down, he suddenly cracked a great joke. And once, as he talked about getting too old—“Well, I didn’t intend to live this long”—he began to recite his version of an Edna St. Vincent Millay poem:

My candle burns at both ends,
It will not last the night.
But, oh, my friends, and, ah, my foes—
It makes a bright, bright light!¹

But Roy, we were so fortunate that your candle lasted many nights and many days. It lit the way for thousands of new attorneys into the profession. And those last four years? I know they were hard, but your candle still made a bright light. For me, personally, what I learned from you and about you during those years—I was blessed. Thank you, Roy. May God speed your way to his side.

Harvey Wingo
Professor of Law

¹Edna St. Vincent Millay’s poem is as follows:

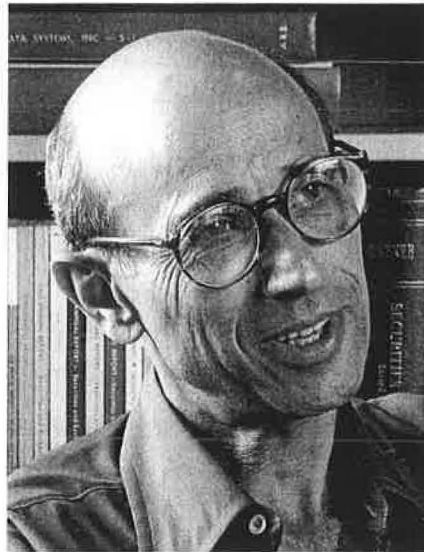
My candle burns at both ends;
It will not last the night;
But, ah, my foes, and, oh, my friends—
It gives a lovely light!

A Few Figs from Thistles. First Fig (1920).

I think it particularly noteworthy that Roy preferred to remember his friends first!

Alan Bromberg Receives Author's Award

Alan R. Bromberg, University Distinguished Professor of Law, this spring received one of the annual SMU University Lecture Series Authors' Awards for his scholarly work as sole author of volumes 3 and 4 of *Bromberg and Ribstein on Partnership Law* (1994). In accepting the award Bromberg shared with his audience his view of a scholarly book: One that "tries to spread understanding and to bring to bear on its subject qualities like wisdom, learning, order, perspective, objective judgment, and fairness."



Bromberg

Teaching Excellence Recognized

Professor Timothy Davis received the 1993-94 Golden Mustang Award. This annual university-wide award is given by SMU graduates of 50 or more years ago to recognize outstanding teaching and curriculum development. Davis teaches in the areas of contracts, sales, lawyering, and construction law.



Davis

Professor Gregory S. Crespi received the 1993-94 Dr. Don M. Smart Teaching Award. The annual award, established by Dr. Don M. Smart, '65, goes to the full-time faculty member determined by a vote of the student body to be the most effective classroom instructor

in the law school for the academic year. Crespi joined the faculty in 1990. He is the author of two books



Crespi

on securities law and teaches in the areas of contract law, law and economic analysis, jurisprudence, and corporate finance and acquisitions.

Faculty Appointment

Elen Smith Pryor, who was on the SMU law faculty from 1986 to 1991, is rejoining the faculty in the fall 1994 semester as an associate professor of law. Pryor, who has a B.A. in History from Rice University and a J.D. from the University of Texas, was editor-in-chief of the *Texas Law Review* and a member of the Order of the Coif. She served a judicial clerkship to The Honorable Carl McGowan of the U.S. Court of Appeals for the District of Columbia Circuit, following which she practiced law as an associate of a Dallas law firm. Pryor, who has published a number of articles on and teaches in the area of torts, was a visiting professor at the University of Texas School of Law from 1992 to 1994.

Charles Galvin Returns to Dallas

Charles D. Galvin, who taught at the law school for 30 years, 15 of them as dean, has returned to Dallas to practice in the tax section of Haynes and Boone. Galvin left SMU in 1983 to serve as the Centennial Professor of Law at Vanderbilt University, a position he held until 1990 when he accepted emeritus status.



Galvin

Promotions and Tenure

Three members of the faculty have been promoted to the rank of associate professor and received tenure: **Gregory S. Crespi**, **Timothy Davis**, and **Jane Kaufman Winn**.

Crespi has a B.S. from Michigan State University, an M.S. from George Washington University, a

John L. Kane, Jr., U.S. District Court, District of Colorado. Prior to coming to SMU he practiced law in Denver, Colorado, for a number of years. He has also taught at the University of Colorado School of Law. As mentioned on the previous page,



Crespi



Davis



Winn

Ph.D. from the University of Iowa, and a J.D. from Yale Law School. He practiced law in Washington, D.C., and served as senior counsel for the Council of Economic Advisers under the Reagan and Bush Administrations before joining the SMU faculty. As mentioned on the previous page, Crespi received the 1993-94 Dr. Don M. Smart Teaching Award.

Davis earned his B.A. from Stanford University and his J.D. from the University of California at Berkeley. Following graduation he clerked with The Honorable

Davis received the 1993-94 Golden Mustang Award, a university-wide award recognizing outstanding teaching and curriculum development.

Winn has a B.Sc. from Queen Mary College, University of London, and a J.D. from Harvard Law School. She has practiced law in New York City and Taipei, Taiwan, and has published articles on the law of the Republic of China and law and development. She teaches in the areas of commercial law, creditors' rights, and comparative law. Her article entitled "The Shining Path or *The Other Path* Out of Poverty?" appears as the lead article in this issue of *The Brief*.

Visiting Professors

Denis J. Edwards, LL.B., 1987, University of Glasgow, LL.M., 1989, Osgoode Hall School of Law, will be a visiting assistant professor of law in the fall of 1994. An honorary lecturer in law at Strathclyde University, Glasgow, Edwards has been a visiting lecturer in law at Jagiellonian University, Poland, and the University of Frankfurt, Germany. He teaches in the areas of European law and comparative competition law.

Alejandro Miguel Garro, J.D. (Abogado), 1975, National University of La Plata School of Law, LL.M., 1979, Louisiana State University Law Center, J.S.D., 1990, Columbia University School of Law, will be a visiting associate professor of law in the spring of 1995. Professor Garro, an associate research scholar at Columbia University's Parker School of Foreign and Comparative Law, has published extensively on comparative law, international commercial law, and international human rights, focusing on Latin American legal systems.

Gilbert A. Holmes, B.A., 1969, Bucknell University, J.D., 1972, New York University School of Law, will be a visiting associate professor of law during the spring of 1995. Holmes, an associate professor of law at Seton Hall University Law School and an arbitrator for the New York City Transit Authority, will teach in the family law and children's rights areas.

Faculty Publications and Activities

Roy Ryden Anderson, Professor of Law, and **Walter W. Steele, Jr.**, Professor of Law: "Fiduciary Duty, Tort and Contract: A Primer on the Legal Malpractice Puzzle," 47 *SMU Law Review* 235 (1994).

Gregory S. Crespi, Associate Professor of Law: "Overcoming the Legal Obstacles to the Creation of a Futures Market in Bodily Organs," 55 *Ohio State Law Journal* 1 (1994).

Timothy Davis, Associate Professor of Law: "The Illusive Warranty of Workmanlike Performance: Constructing a Conceptual Framework," 72 *Nebraska Law Review* 981 (1993); "Student-Athlete Prospective Economic Interests: Contractual Dimensions," 19 *Thurgood Marshall Law Review* 585 (1994) (also presented as a paper at the *Thurgood Marshall Law Review Sports Law Symposium* in Houston); "Intercollegiate Athletics: Competing Models and Conflicting Realities," 25 *Rutgers Law Journal* 269 (1994).

Jane L. Dolkart, Associate Professor of Law: "Gender Discrimination," in *Representing Plaintiffs in Title VII Actions* (Kent Spriggs ed., 1994).

Julia P. Forrester, Assistant Professor of Law: "A Uniform and More Rational Approach to Rents as Security for the Mortgage Loan," 46 *Rutgers Law Review* 349 (1993).

Jeffrey M. Gaba, Professor of Law: "The Once and Future EPA Lender Regulations: Limiting Lender

Liability for the Cleanup of Hazardous Wastes," 47 *Consumer Finance Law Quarterly Report* 355 (1993).

Christopher H. Hanna, Assistant Professor of Law: "Partnership Distributions: Whatever Happened to Nonrecognition?," 82 *Kentucky Law Journal* 465 (1993); Book Review, 27 *The International Lawyer* 811 (1993) (reviewing Joel D. Kuntz & Robert J. Peroni, *U.S. International Taxation* (1991)). Professor Hanna has been appointed an associate editor of *The International Lawyer*.

Ndiva Kofele-Kale, Associate Professor of Law, has been appointed a member of the advisory board for a

and the Mexican-American Litigation Experience: 1930-1980," 27 *University of California at Davis Law Review* 555 (1994); "The Anti-Injunction Act: Fending Off the New Attack on the Relitigation Exception," 72 *Nebraska Law Review* 643 (1993).

Thomas Wm. Mayo, Associate Dean for Academic Affairs and Associate Professor of Law: "The Medical Futility Police: Head 'Em Off at the Impasse," 9 *Trends in Health Care, Law and Ethics* 23 (1994).

Charles J. Morris, Professor Emeritus of Law, presented a paper at the *Cornell Journal of Law and Public Policy Symposium on the Effect of*



Dolkart



Forrester



Hanna

new International Economic Development Law Series to be published by Kluwer/Martinus Nijhoff International Publishers.

Henry J. Lischer, Jr., Professor of Law: *Tax Management, Estates, Gifts and Trusts Portfolios, Gifts* (BNA 1994).

John S. Lowe, George W. Hutchison Professor of Energy Law: 1994 supplements to *The Law of Oil and Gas*.

George A. Martinez, Assistant Professor of Law: "Legal Indeterminacy, Judicial Discretion

the National Labor Relations Act on the Existence of Employee Participation Plans, in Ithaca, New York.

Frederick C. Moss, Associate Dean for Clinical Education, Lawyering Skills, and Planning and Associate Professor of Law, conducted two "hearsay" training sessions, sponsored by the Texas Center for the Judiciary, for 90 Texas state trial and appellate court judges in Arlington and Tyler.

Faculty Publications and Activities continued

John J. Mylan, Professor of Law: 1993-2 semiannual supplement to *Federal Taxation of Close Corporations* (with Edwin Hood).

Joseph J. Norton, Professor of Law: *The North American Free Trade Agreement: A New Frontier in International Trade and Investment in the Americas* (ABA 1994) (co-editor with Judith H. Bello); *International Banking Regulation and Supervision: Change and Transformation in the 1990s* (1994) (co-editor with Chia-Jui Cheng & I. Fletcher, and contributor of chapter 2); *International Banking Operations and Practices: Current Developments* (1994) (co-editor with Chia-Jui Cheng & I. Fletcher); semi-annual update to *Lender Liability: Law and Litigation*; annual update to *Commercial Finance Guide*.

C. Paul Rogers III, Dean and Professor of Law: Teacher's Manual to *Antitrust Law: Policy and Practice* (2d ed. 1992) (with William R. Andersen).

Marc I. Steinberg, Rupert and Lillian Radford Professor of Law: Release 16 to *Securities Regulation; Liabilities and Remedies*; "The Emergence of State Securities Laws: Partly Sunny Skies for Investors," 62 *University of Cincinnati Law Review* 395 (1993) (speech delivered as the Inaugural Visiting Charles F. Hartsock

Professor of Law at the University of Cincinnati College of Law); "State Securities Laws: A Panacea for Investors?," 22 *Securities Regulation Law Journal* 53 (1994); Book Review, 22 *Securities Regulation Law Journal* 104 (1994) (reviewing Douglas Branson, *Corporate Governance* (1993)). Professor Steinberg spoke on "Attorney Liability in the 1990s: Are We Moving Targets?," at the 16th Annual Conference on Securities Regulation and Business Law Problems in Dallas and served as a faculty member at a workshop in Dallas on "Securities Arbitration: Training the Litigant" sponsored by the American Arbitration Association.

Howard J. Taubenfeld, Vinson & Elkins Distinguished Teaching Fellow and Professor of Law: Revisions to volumes 1 and 2 of *Sex Based Discrimination—International Law and Organization*. In addition, Professor Taubenfeld delivered comments on international environmental law at an International Law Association (American Branch) conference in New York City; travelled to Costa Rica to meet with lawyers there and discuss the future of the NAFTA; was the principal speaker at a banquet during the annual meeting of the American Weather Modification Association in San Antonio; and served as chair of the Weather Modification Advisory Committee of the Texas Natural Resources Commission (formerly the Water Board).

Peter Winship, James Cleo Thompson Sr. Trustee Professor of Law: "The First 'Case Law' under the Vienna Convention," in *Contemporary International Law Issues: Opportunities at a Time of Momentous Change* 122 (1994) (Proceedings of the 1993 Joint Conference of the American Society of International Law and the Nederlandse Vereniging voor Internationaal Recht at The Hague, The Netherlands). Professor Winship also delivered the following papers and lectures during the course of the spring semester: a lecture on "The Concepts of *Lex Mercatoria*" in the Charles Francis Adams Lecture Series at the Fletcher School of Law and Diplomacy, Tufts University; a paper entitled "Working in Canada with the U.N. Convention for the International Sale of Goods" at a meeting sponsored by the Canadian Conference Institute in Toronto, Ontario; nine lectures examining U.S. legal education and aspects of U.S. contract and commercial law at the Institute of Comparative Law at the University of Rome, Italy; a national report on U.S. consumer law at the 100th anniversary meeting of the Gesellschaft für Rechtsvergleichung (German Comparative Law Society) in Berlin, Germany; and a formal lecture entitled "Sales Law in the United States: The Past, the Present, and the Future," to the full university community at the University of Rome, Italy.

Director of Development Returns to SMU

James L. Richardson, Jr., has succeeded Kathy Friend as the law school's director of development. Richardson served as the school's first director of development from 1981 to 1985. Prior to his return to the law school he held the position of director of national fund raising for the United States Olympic Committee. Before that he was president of a Dallas-based member firm of the American Association of Fund Raising Counsel. He has been an active member of the National Society of Fund Raising Executives for more than 20 years,

holding local and national board positions, and has been in development since 1960.

According to Richardson, "the opportunity to reestablish ties with the school and its graduates was too good to pass up. My previous service was both a pleasure and privilege for me." He sees an opportunity to reintegrate the development and alumni relations functions of the school to build for the coming 70th and 75th anniversaries of the school, taking it to the year 2000. "I want very much to be a part of that," Richardson said.



Richardson

Public Service Program Director Appointed



Rivers

The School of Law has appointed **Renee W. Rivers** as director of its new Public Service Program. Rivers is responsible for establishing placement opportunities to satisfy the

new graduation requirement that SMU law students complete thirty hours of public service legal work during their second and third years. Rivers earned a B.B.A. in Statistics/Operations Research in 1985 and a J.D. in 1988, both from the University of Texas at Austin. Before joining the law school she practiced law in Irvine, California, and in Dallas. She has performed community service with Family Outreach of Greater Dallas and Dallas's Foster Child Advocate Services, and currently does community pro bono work in the family law area. In addition to directing the law school's public service program, Rivers is in the Master of Theological Studies program at SMU's Perkins School of Theology.

Rivers is locating appropriate placements in legal services

corporations, nonprofit agencies, and government offices in the community from which students may select to fulfill the public service requirement. During the summer she supervised the installation and implementation of new database management software. Students will be able to access information regarding qualified placements either by computer search of this database or by manually reviewing catalogues available in the Public Service Program office. Rivers has also established a computerized system for monitoring student participation in the program.

Summa cum Laude



Amy Katherine Hunt, standard bearer and valedictorian for the Class of 1994, is the first law student in more than 10 years to graduate summa cum laude. As the Class of 1994 assembles for the hooding ceremony in the shade of the Underwood Law Library, Hunt (center) is flanked by Richard J. Vangelisti (left), 1994-95 editor-in-chief of the *SMU Law Review*, and Stephen Gonzales (right), 1994-95 president of the Student Bar Association.

Student Competition Honors

The School of Law applauds second-year law students **Paul Esquivel** and **Maggie Rodriguez**, 1994 HALSA Moot Court Competition national champions. Mike Huddleston, '83, Cooper, Huddleston, & Aldous, Dallas, coached this outstanding team.

Congratulations also to:

Vial, Hamilton, Koch & Knox Fall Mock Trial Competition—First Place: Jamil Alibhai (2L), Don Clevenger (2L), Rachel Hranitzky (2L); Finalists: Jenny Cole (3L), Robert Renneker (3L), Charles Vethan (3L); Best Advocate: Charles Vethan (3L)

Vial, Hamilton, Koch & Knox Spring Advanced Invitational Mock Trial Competition—First Place: Claudia

Frey (3L), Charles Vethan (3L); Finalists: Jamil Alibhai (2L), Don Clevenger (2L); Best Advocate: Jamil Alibhai (2L)

Texas Invitational Mock Trial Tournament—Semifinalists: John Kettles (3L), Nancy Penick (3L), Melissa Smith (3L), Charles Vethan (3L); Coaches: Colin Cahoon, '91, Jackson & Walker, Dallas; Cecilia Ackels, '91, Baker & McKenzie, Dallas

Jackson & Walker First-Year Moot Court Competition—First Place: Laura Hernandez (1L), Misty Ventura (1L); Finalists: Robynn Mocek (1L), Ellen Breau (1L); Best Advocate: Robynn Mocek (1L)

ABA Moot Court Competition Regional Finalists: Jamil Alibhai (2L), Melissa Smith (3L), Ashley

Writing Competition

Keith Ray (3L) won second place in a national construction law student writing competition sponsored by the ABA Forum on the Construction Industry. His paper was titled "An Analysis of the Architectural Works Copyright Protection Act of 1990."

Law Reviews, SBA Elect 1994-95 Officers

SMU Law Review Association

President: **Mark T. Clouatre**

SMU Law Review Editor-in-Chief:

Richard J. Vangelisti

Journal of Air Law and Commerce

Editor-in-Chief: **Elisa Feldman**

The International Lawyer Senior

Editor: **Steven T. Holmes**

Student Bar Association President:

Stephen Gonzales

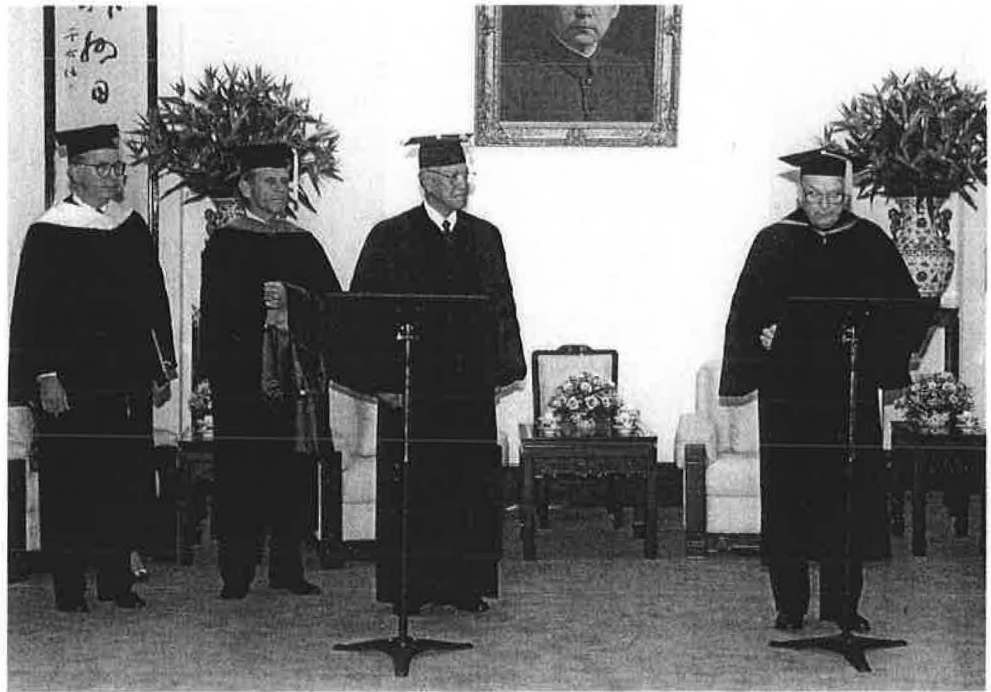
Weaver (2L); Coach: Gregory Ackels, '86, Ackels, Ackels & Ackels, Dallas; Special thanks to: Mike Huddleston, '83, Cooper, Huddleston & Aldous, Dallas; Teresa Bohne, The Associates Corporation, Irving

SMU Client Counseling Competition

First Place: Amy Bock (2L), Dolores Mongelli (2L); Finalists: Victoria Cole (2L), Nicole Chaput (2L); Ron Johnson (1L), Phuong Vu (1L); Best Advocate: Victoria Cole (2L); Sponsor: Winstead, Sechrest & Minick, Dallas; Coaches: Kerri Condie, '92, Johnson & Johnson, Dallas; Paula Beasley, '91, Dallas; Keith Ray (3L), Maggie Rodriguez (2L), Jamil Alibhai (2L)

SMU Bestows Honorary Degree on President of Republic of China

SMU President Kenneth Pye, Mrs. Judy Pye, Dean Paul Rogers, Vice President William Lively, and law school registrar Mickey Lively travelled to Taipei, Taiwan, this spring to bestow an honorary Doctor of Laws degree on **Lee Teng-Hui**, President of the Republic of China. The University honored President Lee as an "educator, statesman and humanitarian." The proclamation accompanying his degree noted that because of President Lee's "far-visioned leadership and service" the Republic of China had become one of the world's fastest growing economies while at the same time promoting democratic progress and enhancing social welfare.

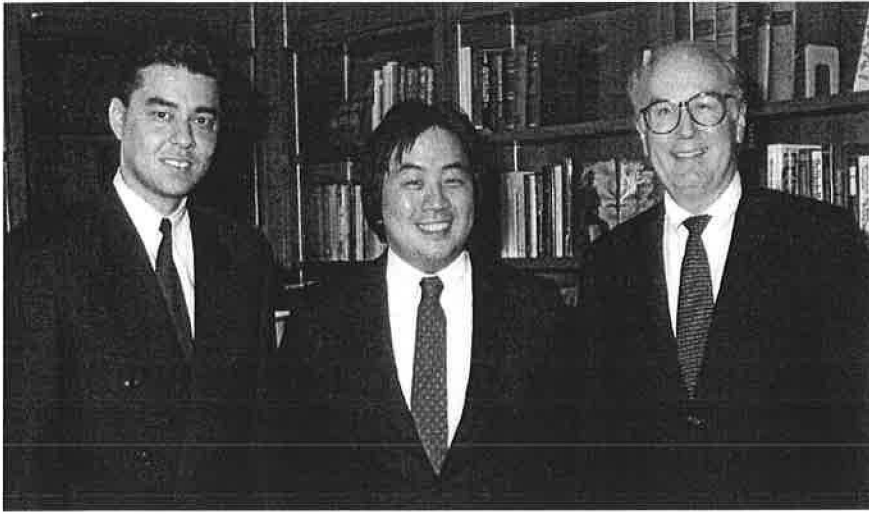


SMU President Pye presides at the honorary degree ceremony with School of Law Dean Rogers, SMU Vice President Lively, and President of the Republic of China Lee Teng-Hui.



Following the ceremony, Mrs. Lee and President Lee receive the congratulations of SMU President Pye and Mrs. Pye.

Democracy and Human Rights in U.S. Foreign Policy?



Professor Christopher Hanna, Professor Harold Koh, and Dean Paul Rogers gather in the dean's office before Professor Koh addresses human rights in the 1994 Roy R. Ray Lecture.

Harold Hongju Koh, Gerard C. and Bernice Latrobe Smith Professor of International Law at Yale Law School, delivered the 16th Annual Roy R. Ray Lecture, using as his title the question posed above. Koh described his emergence as an international lawyer focusing on human rights as beginning with his parents' political exile from Korea in 1960. They settled in New Haven, Connecticut, and taught a course in East Asian Law at Yale Law School. And that is where Koh's career has come full circle, after, as he described it, "a number of detours" along the way—detours that led him as an undergraduate to Harvard College; as a Marshall scholar to Magdalen College at Oxford University, where he received a B.A. in 1977; to Harvard Law School from which he graduated in 1980; and to a 1981-82 clerkship with Justice Harry Blackmun of the U.S. Supreme

Court. He is currently director of the Orville Schell Center for Human Rights at Yale.

In his speech Koh examined the role of democracy and human rights in U.S. foreign policy, by exploring what that role is, and what, in his view, it should be. In so doing, he touched on recent presidential responses to human rights violations in Central America, Kuwait and Iraq, Indonesia, Bosnia, and Haiti. He drew many examples from his efforts on behalf of Haitian refugees to challenge the government's policy of summarily returning them to Haiti. In one year, he said, he expended 3,000 hours on their case, driven "more than anything else by the memory of my own parents, how they fled political persecution and found refuge in this country."

In a more general overview, Koh suggested four levels of options open to a nation intent on preventing human rights abuses wherever

they might occur. The first—the least level of intervention—would include adopting human rights standards as a part of national law; persisting in public moral condemnation of any human rights abuses; and providing temporary safe haven for refugees fleeing persecution. The second level would encompass diplomatic intervention such as consular protests and regional political action. The third level Koh identified as that of economic intervention—denying trading benefits, freezing assets, blockading oil. The fourth, and most controversial, level would entail military intervention, be it limited to providing humanitarian assistance or on a larger scale. At whatever level a government decides to intervene, however, Koh cautioned that the government must never dehumanize the issue, never deny basic human rights by creating a sense of "we and they," the "they" being those whom we persuade ourselves for one reason or another are not our problem.

In closing, Koh returned to his legal efforts on behalf of the Haitian refugees. He described his emotions as he faced the justices of the U.S. Supreme Court: "I wanted the justices to remember that the refugee story is our story, and to remind them that even in this new world, this order, for all of its challenges and complications and redefinitions of national interest, we should still believe in a foreign policy that treasures democracy and human rights." • JPB

Free Speech Wars

The speaker at the 6th Annual Judge Irving L. Goldberg Lecture was Kathleen M. Sullivan, Professor of Law at Stanford Law School. Professor Sullivan, who moved last year to Stanford from Harvard Law School, did her undergraduate work at Cornell University, then followed a year behind Harold Koh to Oxford University as a Marshall scholar, receiving a B.A. in 1978, and to Harvard Law School, graduating with a J.D. in 1981. A nationally renowned constitutional scholar, who is frequently seen commenting on current constitutional issues on the MacNeil-Lehrer Hour on PBS, she has published articles on a wide range of issues, including affirmative action, abortion, unconstitutional conditions, religion and liberal democracy, and free expression and public funding of the arts.

Professor Sullivan opened her speech by paying tribute to Judge Irving Goldberg as one whom she "admired deeply for his wisdom, his principle, his courage, and for his willingness to enliven the pages of the Federal Reporter with his witty writing and his occasional bad puns." She then turned to her topic of "Free Speech Wars," to explore what she described as "a recent sea change in the politics of free speech."

Sullivan noted that whereas censorship used to be associated with the right and free speech libertarianism with the left, now the political poles appear reversed.

Currently, she said, it is the left that is calling for speech regulation, and the result, as she sees it, is "a general trend in recent years to reject individualistic epistemology in favor of a social constructionist view." These "new speech regulators" as she called them, reject what she described as "the three pillars of the modern free speech consensus," which she identified as "those between mind and body, public and private, and purpose and effect." Instead, according to Sullivan, the new speech regulators view the foundations of these so-called pillars not as absolute distinctions but as part of a continuum. They believe that, in

Sullivan's words, "speech constructs us and conditions our actions"; that "ideas construct reality and reflect it back."

The challenge for free speech libertarians, Sullivan said, is to sway the new critics through the use of reason rather than responding by "wielding the first amendment as if it were a magic wand that could make them go away." In this respect she offered some tentative thoughts on directions free speech libertarians might consider taking in their counterattack on free speech regulation. One is to sow the seeds

of distrust in the state as a regulator of speech by suggesting that private alternatives to government intervention, such as consumer boycotts, pressure for warning labels, and counterdemonstrations against offensive speech or actions, have proved more effective than speech codes. The second is to highlight the



Dean Paul Rogers introduces Professor Kathleen Sullivan, the 1994 Judge Irving L. Goldberg Lecturer, to Judge Irving Goldberg.

facets of speech, as opposed to goods and services, that make regulatory enforcement impracticable. For, as Sullivan concluded: "It is possible to round up goods sold on the black market far more easily than it is to stop samizdat from keeping ideas alive in the mind." And further, as Sullivan pointed out, to prohibit a book or erotic work of art may often have the perverse effect of exalting the very work the censors are trying to suppress. • JPB

1994 Distinguished Law Alumni Awards

A banquet hosted by the SMU Law Alumni Association on April 28, 1994, honored two law school graduates as recipients of the 1994 Distinguished Law Alumni Awards: **Alan D. Feld**, '60, and **Carl W. McKinzie**, '66.

Alan D. Feld was born and raised in

on the boards of the Timberlawn Psychiatric Research Foundation, the Council for the United States and Italy, and the board of trustees of Brandeis University. He is a member of the Salesmanship Club, Dallas Committee on Foreign

Relations, Dallas Citizens Council, and Phi Delta Phi Legal Fraternity.

Feld has been active in the practice of corporate law and was appointed by Governor Mark White to the Texas State Securities Board, serving as chair during his term. He is also a member of the boards of directors

of a number of publicly and privately held corporations.

Feld has been married to his wife Anne for more than 36 years. They have three children and two grandchildren.

Carl W. McKinzie, was born and grew up in Lubbock, Texas. Prior to receiving his J.D. degree from SMU in 1966, he earned B.B.A. and M.B.A. degrees from Texas Tech University. Following graduation from law school, he was recruited to Southern California by a Los Angeles law firm. After a leave of absence to fulfill a three-year commitment to the Air Force by serving as a captain in the Staff Judge Advocates Corps, he returned to the firm and became a partner.

Since 1980 he has been a principal in the Los Angeles 90-lawyer firm of Riordan & McKinzie.

McKinzie is a director on various corporate boards and a trustee or director of several charitable entities, including the Riordan Foundation and Rx for Reading. Both those foundations have placed more than 1,500 Writing to Read computer laboratories in elementary schools throughout the United States. At the request of the mayor of Los Angeles, McKinzie is chairing a committee studying city governance.

In addition, McKinzie is a member of the executive board of the SMU School of Law and the Arizona State University Law Society board of directors. He previously served as a member of the SMU Law Alumni Association Council and the University of Wyoming Law School advisory board. He also was a member of the board of governors of the National Association of Real Estate Investment Trusts and chaired or was a program participant at many of its conferences. His bar activities included chairing a subcommittee of a section of the ABA.

Married to his wife Rena for more than 31 years, the McKinzie family raised three sons. Wayne, a Princeton and University of Virginia graduate, is a Los Angeles attorney. Clinton, a Millsaps College graduate, currently works and studies in Laramie, Wyoming. Morgan was a junior at Princeton at the time of his death in 1992.



Distinguished Law Alumni Award recipients with their wives, l-r, Alan Feld, Anne Feld, Rena McKinzie, Carl McKinzie

Dallas, Texas. He graduated from SMU's College of Arts and Sciences in 1957 and from the School of Law in 1960. Upon graduation he became associated with what is now the firm of Akin, Gump, Strauss, Hauer, and Feld. The firm has grown from six lawyers when he joined it to approximately five hundred lawyers at the present time. Feld became chairman of the firm in 1983, a position he continues to occupy.

Feld has been active in civic affairs on a local, statewide, and national basis, having served on the boards of directors of the Dallas Day Nursery Association and the Dallas Symphony Orchestra. He is presently

Law Graduate Receives SMU Distinguished Alumnus Award

John Lopez III, '74, was one of seven recipients of SMU's 1994 Distinguished Alumni Awards. Lopez, who received an M.S. degree in mechanical engineering the same year as he received his J.D. degree, served 24 years in the U.S. Navy.



Lopez

As an attorney practicing juvenile law in Richardson, Texas, he represents and counsels youth at risk due to substance abuse, juvenile delinquency, and dropping out of school. Yet his efforts to improve the lives of young adults extend beyond his law practice. He is active with, and has received awards from, a number of civic organizations, including *Nuestro Centro*, Dallas Can! Academy, Dallas SER, and Jobs for Progress. Lopez was a cofounder of Dallas's Mexican-American Bar Association and a member of the Hispanic Leadership Conference at W.H. Adamson High School. He serves as northeast Texas area coordinator for the U.S. Naval Academy admission office, promoting naval service education, training, and experience awareness throughout a six-state area. He also gives of his time to SMU as a member of the Local Alumni Student Recruitment program.

Graduate News

41 George R. Moorman, Horseshoe Bay, Texas, has retired from active practice with Moorman, Tate, Moorman, Urquhart & Haley, Brenham, Texas. He is a member of the Panel of Arbitrators of the American Arbitration Association and acts as a mediator and arbitrator for the 33rd District Court in Blanco, Burnet, Llano, Mason, and San Saba Counties.

48 Edwin P. (Ed) Horner, Professor Emeritus of Law, Baylor University, Waco, was recently profiled in *Docket Call*, the Baylor University School of Law graduate magazine. An expert in oil and gas law, Horner is described as having endeared himself to generations of students through his kindness, warmth, and refusal to be intimidating. As a hobby he has photographed all 254 Texas county courthouses and filled further albums with photos of unusual and amusing town and city signs.

51 Ira L. Allen III, has become of counsel with Thompson, Coe, Cousins & Irons, Dallas.

52 Frank Norton, Dallas, has been elected chair of the board of directors of the International Trade Association of Dallas/Fort Worth.

56 Sidney Stahl, Dallas, received the 1994 Steve Brutsche Award from the Association of Attorney-Mediators at its annual meeting in San Antonio.

59 Marshall J. Doke, Jr., has become senior partner of McKenna & Cuneo, Dallas. **Blake Tartt**, Fulbright & Jaworski, Houston, was appointed a 1993-94 director of the University of Houston Law Foundation.

61 Adelfa B. Callejo, Callejo & Callejo, Dallas, received the 1994 Martin Luther King, Jr., Justice Award.

63 Forrest Smith has become a senior partner with Caolo & Bell, Dallas.

64 Darrell E. Jordan, Hughes & Luce, Dallas, has been elected chair of the Dallas-based Committee for a Qualified Judiciary.

65 Phillip A. Contreras has opened a solo practice in San Marcos, Texas. **Jack A. Kanz** has joined Crutsinger & Booth, Dallas, as of counsel.



Smith



Bramblett

66 George W. Bramblett, Jr., Haynes & Boone, Dallas, has become a member of the Dallas Bar Association's board of directors. Brigadier General **Scott Magers**, U.S. Army, Washington, D.C., has returned to the Pentagon after serving two years as the senior lawyer for the U.S. Army in Europe.

Graduate News continued

His new position is that of Assistant Judge Advocate General for Civil Law and Litigation. **Marcus D. Taylor**, Criminal District Attorney, Quitman, Texas, has become president of the Texas District and County Attorneys Association.

67 Richard L. Haeussler, Richard L. Haeussler & Associates, Costa Mesa, California, has had his article on "Bankruptcy of the Employer and the Injured Worker," published in the *1994-1995 Annual Survey of Bankruptcy Law*. **Jack M. Kinnebrew**, Strasburger & Price, Dallas, has been appointed to the National Membership Selection Committee of the American College of Trust and Estate Counsel.

68 Jim Burnham, Dallas, has been elected 1994 activities vice president of the Dallas Bar Association. **Ruben M. Campos** (M.C.L.) is a principal in the new firm of Campos, Figueroa, Barrera & Harvey, San Antonio. **A. Don Crowder**, who maintains a solo practice in Allen, Texas, has joined the Allen office of Boston-based Bob Woolf & Associates as vice president and manager.

69 H. Dee Johnson, Jr., former judge of Dallas's 44th District Court, has become a member of the panel of arbitrators and mediators of the Dallas office of Judicial Arbitration and Mediation Services Inc.

71 Al Ellis, Dallas, has been elected chair of the membership committee of the Dallas-based Committee for a Qualified Judiciary. **Richard E. Green** has joined The Home Insurance Company as litigation manager for its southern territory, based in Dallas. **Clark S. Willingham**, Stoney Point Agricornp, Dallas, has been elected first vice president of the National Cattleman's Association.



Anderson

72 R. Dennis Anderson, Fulbright & Jaworski, Houston, has been elected president of the Texas Business Law Foundation. **Mike McCurley**, McCurley, Webb, Kinser, McCurley & Nelson, Dallas, has been elected vice president of the American Academy of Matrimonial Lawyers.

73 Ralph C. "Red Dog" Jones, Carter, Jones, Magee, Rudberg & Mayes, Dallas, is the 1994 president-elect of the Dallas Bar Association.

74 Orrin L. Harrison III, Vinson & Elkins, Dallas, has become a fellow of the American Bar Association.

75 Paul M. Bohannon, Andrews & Kurth, Houston, has been appointed a partner of the firm. **William H. Brian, Jr.**, has become a partner of Hinkle,

Cox, Eaton, Coffield & Hensley, Amarillo.

76 John W. Bickel II, Bickel & Brewer, Dallas, was co-author of a Point-Counterpoint article, "Dondi: Etiquette of the Advocate?," in the Dallas Bar Association's *Headnotes*. **John W. Hamilton** is a principal of the new firm of Hamilton & Hartsfield, Dallas. **Jan M. Horn**, Legal Department, Conoco,



McCurley



Bickel

Inc., Houston, was appointed a 1993-94 director of the Houston Bar Association's Environmental Section. **John R. Howie**, Misko, Howie & Sweeney, Dallas, has become a fellow of the International Association of Trial Lawyers. **Barbara M.G. Lynn**, Carrington, Coleman, Sloman & Blumenthal, Dallas, has been elected vice chair of the Dallas-based Committee for a Qualified Judiciary and chair of its evaluation committee. **Steven D. Nelson**, Winstead Sechrest & Minick, Dallas, has been inducted as a fellow of the American College of Construction Lawyers. **Terry L. Winborn** has joined Tuttle & Graber, Dallas.

77 **John M. Alton** is a principal of the new firm of Ray, Todaro & Alton, Columbus, Ohio. **William B. Bux** has become a shareholder of Locke Purnell Rain Harrell, Dallas.

78 **W. Dale Henry, Jr.**, is a principal in the new firm of Henry, Meier, Jones & Travis, Dallas.

Brian M. Lidji is a principal in the new firm of Sayles & Lidji, Dallas. The Honorable **Cleophas R. Steele, Jr.**, Justice of the Peace, Dallas, has been elected chair of the board of directors of Dallas-based Dispute Mediation Service Inc. **Michael D. Wortley**, Dallas, has become a name partner in the firm of Johnson & Wortley, formerly Johnson & Gibbs. Wortley, a corporate attorney at Johnson & Gibbs, Dallas, led a major restructuring of the firm in 1992-93.

79 **Mina Clark**, Jones Day Reavis & Pogue, Austin, is a 1993-94 director of the Travis County Bar Association. **John C. Cox** is a principal in the new firm of Little, Pedersen, Fankhauser & Cox, Dallas. **Richard B. Hemingway, Jr.**, is a principal in the new firm of Gaston, Hemingway & Thanheiser, Houston. **Irene L. Hosford**, True Rohde & Sewell, Dallas, has been elected president of the Commercial Real Estate

Women of Dallas. **Robert C. Lyon**, Robert Lyon & Associates, Rowlett, Texas, has been elected secretary of the Dallas Trial Lawyers Association. **Diane B. Muse** has been named senior partner with Hopkins & Sutter, Dallas. **Stuart R. Schwartz**, Scott, Hulse, Marshall, Feuille,



Henry



Mears

Finger & Thurmond, El Paso, has been appointed an El Paso County Commissioner. Thomas A. Taylor has established a solo law practice in Dallas.

80 **Sharon E. Grass**, Hoffmeyer & Grass, Mesquite, Texas, has been elected secretary of the Commercial Law League of America. **Rhonda F. Hunter**, a solo practitioner in Dallas, and **Brian D. Melton**, Melton, Weber, Whaley, Letteer & Mock, Dallas, have been elected to the Dallas Bar Association's board of directors.

81 **Mark A. Shank**, Clark, West, Keller, Butler & Ellis, Dallas, has been elected to the Dallas Bar Association's board of directors.

82 **Kenneth F. Albright (LL.M.)** is a principal in the new firm of Albright & Rusher, Tulsa, Oklahoma. **Julie L. Bloss**, Annuity Board,

the Southern Baptist Convention, Dallas, has written *The Church Guide to Employment Law*.

J. Winston Krause has formed Krause & Associates, Austin. **Stuart A. Lautin**, Haynie, Higier, Maris & Foxman, Dallas, has become a shareholder of the firm. **Rona R. Mears**, Haynes and Boone, Dallas, has been named co-vice chair of the Texas officers of the Texas-Mexico Bar Association. **Robert M. Nicoud, Jr.**, has become a principal in the new firm of Olson, Gibbons, Sartain, Nicoud, Birne & Sussman, Dallas. **Patrick C. Sargent** has joined Andrews & Kurth, Dallas. **Joe C. Tooley**, McCauley, MacDonald, Love & Devin, Dallas, has become a shareholder of the firm.

83 **Suzanne Bass**, has become of counsel to the firm of Grant E. Seabolt, Attorney, Dallas. Bass is 1994 chair of the Business Litigation Section of the Dallas Bar Association, in addition to being a DBA council member and co-founder in 1993 of the DBA Employment Law Section. She is also a director of the Dallas Women Lawyers Association for 1994.

Edward M. Benline has joined Shaw & Associates, Houston.

Graduate News continued

Lee Ann Breeding, chief felony prosecutor for the Denton County criminal district attorney's office, has been appointed a director of the Texas District and County Attorneys Association. **Daniel H. Bruce** and **Bruce Campbell** have joined Fernandez, Forgeron & Knebel, Dallas. **Russell D. Chapman** (LL.M.) has become a partner with Caolo & Bell, Dallas.

84 Robert E. Birne is a principal in the new firm of Olson, Gibbons, Sartain, Nicoud, Birne & Sussman, Dallas. **Wilson Chu** has joined Haynes



Chu



Packer



Baldwin

and Boone, Dallas, as a partner. **Paul B. Geilich** has become a partner with Caolo & Bell, Dallas. **Henry Gilmore**, Brown McCarroll & Oaks Hartline, Austin, is a 1993-94 director of the Travis County Bar Association. **Mona Gupta** is a principal in the new firm of Dubner & Gupta, Dallas; she has been elected a 1994 director of the Dallas Women Lawyers Association. **Kelly R. Harrington**, Irving, Texas, is president-elect of the Dallas Association of Young Lawyers. **Mary R. McNabb**, Weil, Gotshal & Manges, Dallas, has been promoted to partner. **Gregory D. Packer** has become a shareholder of

Storey, Armstrong, Steger & Martin, Dallas.

85 Charla G. Aldous has become a shareholder of Cooper, Huddleston & Aldous, Sherman, Texas. **Richard D. Anigian**, Haynes and Boone, Dallas, has become a partner of the firm. **Sheila O. Cooper** has been promoted to vice president and deputy general counsel of Mary Kay Cosmetics Inc.; she will also serve as assistant secretary of Mary Kay Cosmetics and Mary Kay Corporation. **Cynthia S. Goosen** has joined Cooper, Huddleston &

Aldous, Sherman, Texas, as a shareholder. **G. Mark Jodon**, Hutcheson & Grundy, Houston, has been promoted to partner. Professor **John K. Pierre**, Southern University Law Center, Baton Rouge, Louisiana, has written *Courtroom Drama: How to Control the Forum*, a guide on effective courtroom trial techniques. **James W. Rusher** is a principal in the new firm of Albright & Rusher, Tulsa, Oklahoma. **Lisa Anne Stegall** has formed her own law firm in Dallas. **Sara Beth Watson** has joined Steptoe & Johnson, Washington, D.C., as of counsel.

86 Val J. Albright has joined Gardere & Wynne, Dallas, as a partner. **James Lee Baldwin, Jr.**, Hutcheson & Grundy, Dallas, has been promoted to partner. **Charles N. Bell**, Dallas, has been named associate general counsel to CONVEX Computer Corporation, Richardson. **Jeffrey W. Giese**, Jenkins & Gilchrist, Dallas, has become a shareholder of the firm. **David C. Haley**, Andrews & Kurth, Houston, has been promoted to partner. **Stephanie A. Hall** is a principal in the new firm of Hall & Odom, Dallas; she has been elected a 1994 director of the Dallas Women Lawyers Association. **Ronald D. Horner** has become a partner of Thompson, Coe, Cousins & Irons, Dallas. **Jakes R. Jordaan** is a principal in the new firm of Jordaan, Howard & Pennington, Dallas. **Brigitte G. Kimichik** has become a shareholder of Sheinfeld, Maley & Kay, Dallas. **Randall K. Lindley**, Caolo & Bell, Dallas, has been promoted to partner. **William J. McDonough, Jr.**, has become a shareholder of Cox & Smith, San Antonio. **Juan R. Molina** has become a principal in the new firm of Molina & Denham, Weslaco, Texas. **Paula M. Romberg**, Vial, Hamilton, Koch & Knox, Dallas, has been promoted to partner. **Michael B. Thimmig** has joined Andrews & Kurth, Dallas.

87 Angeline L. Bain, Family Court Master, 256th District Court, Dallas, has been board certified in family law by the Texas Board of Legal

Specialization. **Veronica M. Bates** and **Warren Gage** have joined Cowles & Thompson, Dallas. **Dawn Davenport**, Akin Gump Strauss Hauer & Feld, Dallas, and **Greg Rogers**, Vinson & Elkins, Dallas, are serving as 1994 executive council members of the Dallas Bar Association's Environmental Law Section. **Jerry L. Ewing** has become a partner of Touchstone, Bernays, Johnston, Beall & Smith, Dallas. **Stephanie Harrison** has joined Sinex & Stephenson, Houston. **Lauren C. LaRue** has joined Meadows, Owen, Collier, Reed, Cousins & Blau, Dallas, as a partner. **Carol Winkelmann**, Dallas, has been elected secretary for the Dallas Women Lawyers Association.

88 Kevin E. Cox, Dallas/Fort Worth International Airport Board, has been promoted to director of governmental and legislative affairs. **Kay E. Goggin** has joined Ferrer, Montes & Poirot, Dallas; she has been elected a 1994 director of the Dallas Women Lawyers Association. **Mary Beth Marshall** has become a shareholder of Munsch Hardt Kopf Harr & Dinan, Dallas. **Pat V. Spillman, Jr.**, U.S. Environmental Protection Agency, Dallas, has been named 1994 program chair of the Dallas Bar Association's Environmental Law Section. **Mary E. Thames** has joined John J. McManus & Associates, Atlanta; Georgia. **Russell G. Thornton** has joined Cowles & Thompson, Dallas.

89 Dr. J. Lee Baldwin has established a solo practice in Dallas; she has

been appointed a 1994 director of the Dallas Women Lawyers Association and secretary-treasurer of the board of directors of Legal Services of North Texas. **Ted Baroody**, Fulbright & Jaworski, Houston, was elected a 1993-94 director of the Houston Bar Association's Environmental Section. **Gerald S. Brown** has joined the Tarrant County District Attorney's Office, Fort Worth. **David W. Carstens**, Harris, Tucker & Hardin, Dallas, has recently published "Legal Protection of Computer Software: Patents, Copyrights, and Trade Secrets," in 20 *Journal of Contemporary Law* 13 (1994). **Greggory D. Cleveland** has joined Fernandez, Forgerson & Knebel, Dallas. **Kelly D. Franklin** has joined Brown McCarroll & Oaks Hartline, Dallas. **James L. Guinan** has joined Smoger & Associates, Dallas. **Suzanne E. Hebert** has joined Koerner & Associates, Brentwood, Tennessee. **Julie E. Lennon** has joined Kane, Russell, Coleman & Logan, Dallas. **Marci Romick**, Godwin & Carlton, Dallas, has been promoted to participating associate.

90 Joseph H. Amberson III has joined Koons, Fuller & Vanden Eykel, Dallas. **Cynthia Figueroa Calhoun**, Ronquillo & DeWolf, Dallas, has been elected newsletter editor for the Dallas Women Lawyers Association. **Courtney A. Johnson**, U.S. Environmental Protection Agency, Dallas, is a 1994 executive council member of the Dallas Bar Association's Environmental Law Section. **Frank L. McNiff, Jr.**, Kleberg

& Head, Corpus Christi, is the 1994 president of the Corpus Christi Young Lawyers Association. **Ruben R. Rios** has joined Chapman & Reese, Dallas. **Richie A. Whitten** is a principal in the new firm of Slusher & Whitten, Florence, Alabama.

91 Ilene J. Smoger has become a principal in Smoger & Associates, Dallas. **Connie L. Touchstone**, Law Office of Charles E. Brown, Austin, received the Travis County Women Lawyers' Association 1993 pro bono award. **Mark W. Harris** has joined Andrews & Kurth, Dallas; **William R. Hemphill, Jr.**, Scarborough & Weisbart, Austin; **Roy Ibañez, Jr.**, Dyer, Cavazos & Kimball, McAllen, Texas; **Michael D. Manno**, Walsh, Anderson, Underwood, Schulze & Aldridge, Austin; **Jane S. Patterson**, Verner, Lipfert, Berhhard, McPherson & Hand, Houston; **Jeffrey M. Stark**, Matthews, Carlton & Stein, Dallas; and **Gregory P. Wells**, Jones, Day, Reavis & Pogue, Dallas.



Eberts

92 Deborah R. Eberts has joined Jones, Day, Reavis & Pogue, Dallas; **Laura M. Kalesnik**, Hughes & Luce, Dallas; **Nicollette Mansoor**,

Graduate News Continued

Cooper, Huddleston & Aldous, Dallas; **Michael D. Mitchell**, Hutcheson & Grundy, Houston; and **Laura Reilly O'Hara**, Strasburger & Price, Dallas.

93 Cynthia B. Asensio has joined Locke Purnell Rain Harrell, Dallas; she has also been elected 1994 secretary of the Mexican American Bar Association of Dallas. **Rives E. Castleman**, **Christopher J. Helling**, and **John L. Spillane** have joined Touchstone, Bernays, Johnston, Beall & Smith, Dallas; **Gregory P. Goheen**, McAnany, Van Cleave & Phillip, Kansas City, Kansas; **Gordon R. Nikel**, Chapman & Reese, Dallas; **Evan S. Hobbs**, Laflin, Lieuwen, Tucker, Dick & Heer, Albuquerque, New Mexico; **Jennifer I. Last** (LL.M.), McDonald Sanders, Fort Worth; **Michael C. Lawrence** (LL.M.), Schell, Beene & Vaughan, Dallas; **Robert M. Manley**, Cooper, Huddleston & Aldous, Dallas; **Thomas H. Neuhoﬀ, Jr.**, Locke Purnell Rain Harrell, Dallas; **Brian D. Pope**, Misko, Howie & Sweeney, Dallas; **Toni Scott Reed**, Strasburger & Price, Dallas; **Barton E. Showalter**, Baker & Botts, Dallas; **Roger L. Turk**, Lippe & Perry, Dallas; and **Tammy S. Wood**, Johnson & Wortley, Dallas.

Argentine Ambassador Hosts SMU Graduates in Washington, D.C.



His Excellency Raúl Granillo Ocampo, LL.M.(C&I) '88, Argentine ambassador to the United States, gave a reception at his residence on February 15, 1994, honoring Washington area law graduates (the ambassador, foreground, opens a gift from the School of Law).

International Graduate News

From Japan **Haruhiro Nakatsu**, M.C.L. '61, advises that **Shigeharu Negishi**, M.C.L. '60, and **Hideo Chikusa**, M.C.L. '62, have been elevated to the bench of the Supreme Court of Japan. Justices Negishi and Chikusa join The Honorable **Yukio Horigome**, M.C.L. '71, an administrator of the Supreme Court.

In Argentina **Máximo J. Salvat**, LL.M.(C&I) '91, has joined the law firm of Carregal & Funes de Rioja in Buenos Aires. He reports that *Apertura*, one of the main business magazines in South America, in an article about "Alumni Clubs of American Universities in Argentina," named SMU Alumni Argen-

tina as one of the most important of U.S. alumni organizations in the country. SMU Alumni Argentina, which has more than 50 members, was founded in 1992 by **Salvat**, **David Arias**, LL.M.(C&I) '88, **Santiago Ferrer Reyes**, LL.M.(C&I) '88, **Juan Vaquer**, LL.M.(C&I) '88, and **Luis M. Ayarragaray**, LL.M.(C&I) '91.

German graduate **Michael A. Fammier**, LL.M.(C&I) '90, writes that following graduation from the law school he joined the Frankfurt, Germany, office of Baker & McKenzie. Earlier this year he moved to the London, England, office of the same firm, where he will remain until January 1995.

In Memoriam

- Ely Straus, '28**
May 30, 1994
- Hubert D. Wills, '28**
January 30, 1994
- James A. Kilgore, '32**
April 9, 1994
- Dick Clark, Jr., '36**
January 9, 1994
- David A. Grose, '40**
June 5, 1993
- James H. Killian, '41**
November 10, 1993
- William E. Johnson, Jr., '47**
May 1, 1994
- William M. McCarthy, '48**
- Virginia Carr Morris, '48**
May 31, 1994
- Landon T. Carlson, '50**
May 22, 1994
- William M. Jones, '56**
April 5, 1994
- Denny J. Silman, '56**
March 19, 1994
- Louis Martin Suiter, '56**
March 21, 1994
- Frederick J. Fiegl, '66**
May 19, 1994
- Don E. Williams, '66**
February 13, 1994
- Frank M. Keeling, Jr., '67**
June 16, 1993
- Joseph E. Nowlin, '71**
December 24, 1993
- Joe H. Chambliss, '75**
May 8, 1994
- F.V. Garcia-Amador, M.C.L.**
November 15, 1993

Marriages

Jennifer J. Hughes, '91, and Kelly William Milligan, on January 22, 1994, in Houston, Texas.

Kerry A. McHugh, '89, and Ronald W. Breaux, '89, on October 30, 1993, in SMU's Perkins Chapel. The wedding party included bridesmaids Suzanne Hebert, '89, Michelle McCoy, '89, and Jonann Coniglio Roosevelt, '89, and groomsmen John Gallagher, '89, Michael Hood, '89, Patrick Mulligan, '89, Scott Night, '89, and Adam Seidel, '89. The Breauxs are both associates at Haynes and Boone in Dallas.

Births

William Rushing "Rush" Hemphill III, May 30, 1993, son of Abigail and William R. Hemphill, Jr., '91.

Josephine Sadie Sloman, October 16, 1993, daughter of Lisa and Richard D. (Dinnie) Sloman, '85.

Stephen Thomas, November 11, 1993, son of Linda and Thomas M. Scheffel, '76.

Continuing Legal Education

The 1994-95 CLE calendar includes:

1994 Banking Law Institute

September 8-9, 1994—Dallas

Health Law in the '90s: Civil and Criminal Liability

October 14, 1994—Dallas

Opening Statement and Final Argument and Mastering Evidence

(featuring James W. McElhaney)

October 26, 1994—San Antonio

October 27, 1994—Dallas

October 28, 1994—Houston

Women in Litigation Seminar

November 10-11, 1994—Dallas

Medical Malpractice Symposium

December 1-2, 1994—Dallas

Lawyering in the Americas

(co-sponsored by *The International Lawyer*)

January 25-27, 1995—Dallas

Other programs to be offered in the winter and spring:

Real Estate Law: Mortgages

In-Depth

Real Estate Law: Leases In-Depth

Federal Procedure Symposium

Advanced Civil Trial Short Course

Trial Techniques: Advocacy from the Inside Out (featuring James W. Jeans, Sr.)

Eleventh Annual Commercial Lending Institute

1995 Advanced Federal Tax

Litigation Conference

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Labor and Employment Law Seminar

For further information call (214) 768-2644 (CLE Office, SMU School of Law).

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Law School Executive Board

The Executive Board twice each year observes the law school's programs and offers advice and counsel to the dean.

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The law school thanks the officers and members of the Law Alumni Association Council for their support and involvement.

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GERALD W. OSTARCH '67
HENRY B. PAUP '73
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THOMAS F. SEDBERRY '64
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JACK C. SPILLMAN '71
MARK STYLES '81
JOSEPH TAMASY '51
THOMAS A. TAYLOR '79
MICHAEL J. TRUNCALE '85
Y. LETICIA VIGIL '88
ANTONIO VILLEDA '82
ANDREW P. WAGNER '82
HERBERT V. WALES '52
R. RANDALL WOOLEY '77

Report of Giving 1993-94

T*The goal of education at Southern Methodist University School of Law is to develop skilled lawyers who also are community leaders.*

The impact of private financial support each year—through gifts to annual operations and additions to endowment—allows the school to remain true to that goal and, thus to the SMU law community.

It is my pleasure once again to acknowledge the gifts of graduates and friends of the school for the 1993-1994 academic year.

Those recognized in the following pages enhance the quality of life of today's students; strengthen the ability of the school to attract and retain superb faculty; enrich the curriculum and keep it vibrant; and, not least of all, make a statement to the larger community of the value they who are graduates place on the private legal education they received and from which they benefit.

Today's student, as the next beneficiary, comes to understand this tradition of financial support and the importance of sustaining it.

That is one added gift from our alums and friends, for which we are grateful.

C. Paul Royen

Recognition of Distinguished Graduate Support

The School of Law is pleased to acknowledge leading annual contributors from among its graduates. The impact of contributions to the Law School Annual Fund is heightened by their participation at exemplary and challenging levels. As a result, the School of Law is able to maximize the investment it makes in private legal education at a time when both the legal profession and legal education face daunting challenges.

These donors are recognized as the school's most generous annual fund benefactors. Support at these levels enhances the school's ability to sustain a quality program of private legal education.

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 WILLIAM C. KOONS '58
 JOHN H. MCELHANEY '58
 WEBBER W. BEALL, JR. '59
 MARSHALL J. DOKE, JR. '59
 MARVIN MENAKER '59
 ROBERT L. MEYERS III '60
 BENJAMIN T. WAGES '60
 CHARLES A. TARPLEY '61

THOMAS A. ADAMS III '63
 ALLAN HOWETH '63
 RAYBOURNE THOMPSON, JR. '63
 FRANK S. VADEN III '63
 JOE N. BOUDREAUX '64
 DOUGLAS D. MULDER '64
 PETER M. TART '64
 CHARLES M. SOLOMON '65
 CARL W. MCKINZIE '66
 CHARLES E. BERESFORD '67
 JAMES L. IRISH III '69
 JAMES P. BRADLEY '70
 HARRIET E. MIERS '70
 E. RUSSELL NUNNALLY '71
 ELLEN K. SOLENDER '71
 DENNIS L. LUTES '72
 P. THOMAS MANN '72
 EVELYN H. BIERY '73
 BURTON H. GILBERT '73
 DONALD E. GODWIN '73
 MICHAEL L. PARHAM '73
 MARC H. FOLLADORI '74
 WILLIAM R. HAYS III '74
 E. CARY MOORE III '74
 CHARLES H. SMITH '74
 JOHN W. BICKEL II '76
 STEVEN D. NELSON '76

D. BOBBITT NOEL, JR. '76
 MICHAEL R. ROCHELLE '76
 WILLIAM B. CHANEY '77
 ROBERT A. MOSBACHER, JR. '77
 LINN H. MCCAIN '77
 HON. JAMES SEARS BRYANT '78
 JOHN Z. HECKER '79
 ROBERT C. LYON '79
 W. PHILLIP WHITCOMB '79
 JOHN S. JOSE '81
 ANTONIO VILLEDA '82
 ANONYMOUS '83
 JOHN K. HORANY '86
 KIMBERLEE J. CAGLE '87
 WILLIAM F. GORDON '87
 REX H. GIBSON '88
 Y. LETICIA VIGIL '88
 DR. J. LEE BALDWIN '89

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(a) \$1 - \$99	Associate

1930 Total: \$25
Avg: 25

(a) WILLIAM C. MILLER

1932 Total: \$4,583
Avg: 1,146

(q) L. LUTON HENSON
(c) HON. H. FRED MARTIN, JR.
(a) ESIR TOBOLOWSKY

1933 Total: \$200
Avg: 200

(c) CLAUD O. BOOTHMAN

1935 Total: \$1,450
Avg: 363

(h) ROBERT L. DILLARD, JR.
(c) CHARLIE T. DAVIS
HON. DEE B. WALKER

1936 Total: \$625
Avg: 208

(h) WILLIAM B. BROWDER, JR.
*SAM P. BURFORD, SR.
CLOVIS G. CHAPPELL, JR.
(a) *DICK CLARK, JR.

1937 Total: \$550
Avg: 275

(q) WILL R. WILSON, SR.
(a) ADDA B. BOZEMAN

1938 Total: \$75
Avg: 38

(a) JOHN N. HARRIS, JR.
SYLVAN I. TOBOLOWSKY

1939 Total: \$735
Avg: 123

(h) HARRY A. SHUFORD
DONALD V. YARBOROUGH
(c) *DONALD L. CASE
(a) MAJ. GEN. A. J. BECK
NAT ALLEN PINKSTON
RAY R. SIMPSON, JR.

1940 Total: \$2,750
Avg: 303

(h) CORNELIUS O. RYAN
(c) QUILMAN B. DAVIS
FRANK C. MOORE

H. LOUIS NICHOLS
ANGELO J. PIRANIO

1941 Total: \$700
Avg: 253

(q) ROBERT F. RITCHIE
(c) J. EDWIN FLEMING
ROY E. JACOBIE

1942 Total: \$401
Avg: 80

(c) CHARLES A. ABBOTT
JOHN C. COX, JR.
PHILIP A. SILVERBERG
MINNIE F. SOLOMONSON
(a) GEORGE M. ALFORD

1943 Total: \$300
Avg: 150

(c) CLARK W. BREEDING
LAINE CORDE
EDWIN S. TOBOLOWSKY

1945 Total: \$100
Avg: 100

(c) ROBERT D. MADDOX

1947 Total: \$2,050
Avg: 410

(h) GEORGE Q. SEALE
(c) E. W. BOEDEKER
ROBERT A. NICHOLS
JOHN L. SULLIVAN

1948 Total: \$2,490
Avg: 208

(h) JOHN F. HOLT II
JOHN P. KOONS
BEN G. RAMSEY
(c) JOHN W. BENBOW
GORDON R. CARPENTER
HON. OWEN M. GILES
LOUISIE W. LESLIE
JAMES F. MOORE II
RALPH W. WILSON
(a) *VIRGINIA E. DUFF
REO C. KNOWLES
COY C. SHADID

1949 Total: \$12,850
Avg: 988

(h) THOMAS B. CUNY, JR.
DAVID J. HUNDAHL

WALTER M. SPRADLEY
JOHN J. TEMPLIN

(a) GUY T. BUELL
TOM G. CROSS
CLYDE L. DAVIS, JR.
WILLIAM A. HUNTER
JOHN F. MAXFIELD
C. BALFORD MORRISON
HON. RODRICK L. SHAW

1950 Total: \$2,085
Avg: 179

(c) HON. CLYDE R. ASHWORTH
ALFRED W. DAVIS, JR.
HOWARD W. EDMUNDS
CHARLES L. FORD, JR.
HON. HARRY W. HOPKINS
SHANNON JONES, JR.
WILLIAM L. KELLER
COL. HARRY G. ROWLINSON
WAYNE S. SMITH
PAUL M. THORP
ELDON R. VAUGHAN
(a) HOWARD P. COGHLAN
SAMUEL E. DAUGHERTY
HON. JOHN T. FORBIS, JR.

1951 Total: \$1,135
Avg: 114

(h) H. MATHEWS GARLAND
(c) WALTER G. HARTLEY, JR.
HON. THOMAS G. KENYON
JOHN W. MCKEE
RAY L. POLLOCK
VACTOR H. STANFORD
HORACE B. WATSON, JR.
HON. ROBERT L. WRIGHT
(a) IRVIN C. HATRIDGE, JR.
HON. WILLIAM R. SHAVER

1952 Total: \$4,725
Avg: 295

(h) PAUL S. ADAMS, JR.
W. H. FOGLEMAN, JR.
JAMES R. KINZER
LOUISE B. RAGGIO
R. VINCENT TOWNS
(c) DEAN CARLTON
GEORGE S. FINLEY
WAYNE A. MELTON
FRANK NORTON
JAMES R. PAXTON
CHARLES P. STOREY
JACK A. TITUS
(a) JERRY N. JORDAN
MERL H. SCHEFFEY

1053 Total: \$2,800
Avg: 255

(h) CORWIN C. CONNELL
HON. MAX N. OSBORN
(c) WILLIAM J. DAVIS
VARDIE R. DELK
DEAN V. GROSSNICKLE
RICHARD L. OSBORN
ROBERT B. PAYNE
HUGHSTON THOMAS
(a) LEO J. HOFFMAN
HON. HUGH T. SNODGRASS

1054 Total: \$12,700
Avg: 1,270

(q) J. REDWINE PATTERSON
(c) FRED H. BENNERS
HON. BEN F. ELLIS
LEONARD R. HASSELL
BENJAMIN E. PICKERING
TREVOR W. REES-JONES
WILLIAM W. VENTRESS
(a) HON. JOE B. BROWN, JR.
HON. ROBERT E. PRICE

1055 Total: \$1,825
Avg: 228

(h) JOHN C. BIGGERS
WILLIAM F. COURTNEY
PERRY R. MCPHERSON
DARRELL C. MILLER
(c) CHESTER G. BALL, JR.
SPENCER K. JOHNSTON
(a) WILLIAM N. GARRISON
RONALD M. WEISS

1056 Total: \$4,200
Avg: 300

(q) FRANK S. LA BARBA, JR.
W. D. MASTERSON
LOUIS J. WEBER, JR.
(h) LOUIS P. BICKEL
ROBERT K. PACE
A. W. SAUERWEIN, JR.
(c) DURANT F. CLEMENTS
LOWELL E. DUSHMAN
WILLIAM M. JONES
FRANK W. ROSE
RICHARD S. WHITESELL, JR.
(a) HAROLD M. BATEMAN
THOMAS E. TOONE
WILLIAM F. TUCKER

1057 Total: \$10,025
Avg: 604

(h) JERE G. HAYES
WILLIAM D. POWELL
(c) HON. CHARLES R. DICKENSON
BARNETT M. GOODSTEIN
IVAN IRWIN, JR.
DR. TZE-CHUNG LI
MARION L. MASSEY

BERNARD C. MCGUIRE, SR.
JOHN B. NELSON
(a) C. ROBERT ANDERSON
DONALD C. APELAND
LAURANCE M. COTTINGHAM
H. WAYNE WILE

1058 Total: \$10,000
Avg: 874

(q) R. W. CALLOWAY
(h) ROBERT J. FOREMAN
EUGENE B. PFLUGHAUPT
J. RICHARD SANDERSON
HARRY R. SHAWVER, JR.
(c) HON. JAMES A. BAKER
WILLIAM T. BLACKBURN
W. RICHARD DAVIS
B. D. GILLENLINE
MORTON L. SUSMAN
(a) DWIGHT D. ARTHUR
T. GARY COLE, JR.
JOHN C. KIMBROUGH
JAMES W. LEFTWICH
HORACE A. MITCHELL
NORMAN A. ZABLE

1059 Total: \$5,725
Avg: 260

(h) BOBBY D. DYESS
GEORGE R. MILNER
GEORGE D. NEAL
JOE A. STALCUP
(c) JAMES C. ALLUMS, JR.
HON. L. GENE ATER
BRUCE W. BOSS
G. ALLEN BUTLER
EUGENIO CAZORLA
JAMES R. CLAUNCH
DURWOOD D. CRAWFORD
LARRY L. GOLLAHER
CLAUDE H. GRESHAM
G. KENNETH HOBBS
TOM C. INGRAM, JR.
KENNETH B. KRAMER
DONALD F. PADGETT
W. DRAKE PATTERSON
JAMES A. STOCKARD
(a) GORDON M. WILKINSON
TOMMY R. YATES

1060 Total: \$8,330
Avg: 302

(q) LARRY L. BEAN
DONALD A. SWANSON, JR.
LAWRENCE E. STEINBERG
(h) LESTER V. BAUM
J. ALLEN DOUGHERTY
ROBERT A. FANNING
JAMES W. ROSE
(c) E. KARL ANDERSON
GILBERT A. BARFIELD
JEROME D. BENNETT
JOHN A. FLYGARE
TOM D. MATTHEWS, JR.

CHARLES D. MAYES
HON. DONALD J. METCALFE
JOSE M. PEREZ
SAM ROSEN
(a) DAVID S. CURTIS
HON. JOE H. LOVING, JR.
JOSEPH J. MINTON, JR.
SIDDAPUR V. RAMANNA
WYNN G. STANTON

1061 Total: \$8,330
Avg: 379

(q) L. HENRY GISSEL, JR.
CLARK J. MATTHEWS, II
(h) THOMAS A. LOOSE
D. LAMAR SMITH, JR.
(c) HON. RICHARD N. COUNTISS
HON. B. SUE GOOLSBY
DANNY D. ECHOLS, SR.
JOHN P. MCCALL
WALLIS D. MCNEILL, JR.
JAMES T. RUDD
HON. TOM RYAN
LEON A. SMITH
IRA O. WHITTENBERG, JR.
SCOTT C. WANG
DONALD H. WILLS
(a) JIM L. COLLINS
JOHN R. GREENSTREET
THOMAS B. JOHNSON, JR.
GEORGE H. NELSON
JOHN W. PAYNE
JOANN PETERS
REX H. REED
EDWIN G. RULAND

1062 Total: \$2,025
Avg: 202

(q) MAJOR C. GINSBERG
HOUSTON E. HOLMES, JR.
(h) STEVEN K. COCHRAN
JACK B. SOMMERFIELD
(c) WILLIAM C. HEADRICK
WALTER W. HIRSCH
DR. DONALD W. JACKSON
DON R. KIDD
DONALD J. MALOUF
WILLIAM H. MCRAE
E. LAWRENCE MERRIMAN
(a) MARGARET M. BUCKINGHAM
STANFORD M. DOLGINOFF
RICHARD J. ERLANGER
KENNETH M. JACKSON
BRUCE YOUNGBLOOD

1063 Total: \$7,080
Avg: 205

(q) KARL C. HOPPESS
ROY J. TRUE
(h) HARRY W. CRUTCHER III
BYRON L. FALK
ROBERT W. MINSHEW
(c) ROBERT D. BATJER, JR.
WARREN W. CONNER

JAMES L. CROWSON
WILEY DORAN
ARCH B. GILBERT
JOHN T. GORMAN
RICHARD M. HEWITT
RONALD M. HOLLEY
DAVID M. IVY
HOWARD D. JOHNSON
COL. OLIVER KELLEY
C. TED RAINES, JR.
HENRY SEELIGSON II
KENNETH E. SHOLLENBARGER
FORREST SMITH
(a)ROBERT BATH
LARRY COLYAR
PHILIP A. DAVENPORT
JOHN T. GORMAN
JACK T. INGRAM
HON. BILLY D. MILLS
DR. JOSEPH H. SCHLEY, JR.
O. J. TYLER

1964 Total: \$1,845
Avg: 323

(q)WILLIAM M. BAYMAN
(h)RICHARD M. HULL
THOMAS F. SEDBERRY
(c)ERNEST A. CONNER, JR.
ANNE D. SNODGRASS
R. CHARLES STILES
JOE E. VAUGHAN
(a)HOWARD J. ALEXANDER
FRED J. KOLODEY
ROBERT J. SHOEMAKER
JOE H. WARD, JR.
DENNIS L. WHITE

1965 Total: \$9,025
Avg: 334

(q)HON. ROBERT E. DAY
ARTHUR E. HEWETT
ROBERT G. MEBUS
JERRY B. WILLIAMSON III
(h)DAVID L. FAIR
ROBERT C. GIST
HON. THOMAS K. JENKINS
JOSEPH R. RILEY
T. M. STROTHER
J. RUFUS WALLINGFORD
(c)SCOTIE H. ASHLEY, JR.
JAMES WILLIAM CARDWELL
J. STEPHEN DYCUST
MICHAEL T. GARRETT
WILLIAM R. GUTOW
FORREST L. JONES
ERLE A. NYE
ROGER R. SCOTT
LEE M. SCHEPPS
(a)GAYLE ELIZABETH CANNON
ROBERT L. DILLARD III
C. ALAN FERGUSON
PAUL KLATSKY
DIAMOND J. PANTAZE
WINFIELD W. SCOTT
DR. V. LAWRENCE SEWELL
DAVID O. TURNER

1966 Total: \$24,750
Avg: 847

(q)DAVID A. LAKE
THOMAS W. LUCE III
DAVID G. MCLANE
(h)JOHN E. MCFALL
ANTHONY D. SCHLESINGER
HON. RALPH E. TAITE
JOHN D. TOBIN, JR.
ROBERT I. WHITE
J. MICHAEL WYLIE
(c)JAMES W. CAMPBELL
JACK H. DAVIS
* FREDERICK J. FIEGL
LINDA W. HART
THOMAS H. KENNERLY
GARLAND H. LASATER, JR.
BGEN. M. S. MAGERS
EDWARD A. PETERSON
JOHN L. PRIMMER
MARK R. SAITER
HON. ANNETTE STEWART
D. LYMAN STUBBLEFIELD
(a)LARRY FELDMAN
HON. IRA S. HOUSTON
JOHN E. HUMPHREYS
REBA G. RASOR
DONALD R. SCOGGINS
DALE WOOTTON

1967 Total: \$9,000
Avg: 253

(q)CHARLES E. BERESFORD
A. J. HARPER II
FRANK R. JELINEK III
GERALD W. LIVINGSTON
CHARLES J. MCGUIRE III
(h)DOUGLAS A. BARNES
SAMUEL P. BURFORD, JR.
F. M. KNAPP, JR.
WESLEY J. KETZ, JR.
RUTH L. KOVNAT
DANIEL F. MADELEY
JOSEPH J. MCCAIN, JR.
MICHAEL M. WADE
(c)NORMAN M. BRUCE, JR.
ROY E. ENGLISH
HON. ROBERT L. ESCHENBURG II
RICHARD L. HAUESSLER
WILLIAM T. HILL, JR.
JACK M. KINNEBREW
EDWARD S. KOPPMAN
JOE ST. JOHN MACEY
ALLEN W. MCCLURE
EDWARD C. OSTERBERG, JR.
JERRY D. RUCKER
STEPHEN C. THAYER
JAMES H. WALLENSTEIN
(a)MANUEL J. BEHNE, JR.
WESLEY C. BRISTER
RONALD A. DUBNER
GARY R. FRITZSCHE
WALTER J. HUMANN
TOM D. JESTER, JR.
DR. TERRY JOHNSON
R. LEWIS NICHOLSON
DR. EARL F. ROSE

1968 Total: \$3,005
Avg: 134

(q)JOE B. HYDEN
DOUGLAS L. THORPE
(h)ROBERT E. MELLOR
GEORGE E. SEAY, JR.
JOHN E. RINEHART, JR.
(c)OVERTON S. ANDERSON II
JERRY L. ARNOLD
ROLAND T. BANDY, JR.
LAWRENCE J. BRANNIAN
ROGER C. CLAPP
JAMES N. DEARIEN
DAVID M. ELLIS
G. ROGER GIELOW
BILLY B. JARVIS
W. RICHARD JONES
T. TERRELL LASLEY
C. LARRY MATTHEWS, JR.
JOE B. MAUND
DANIEL R. SHEEHY, JR.
THOMAS P. STITT
STEVE A. UNGERMAN
ROBERT N. VIRDEN
(a)GEORGE G. DOWD
JOHN P. KNOUSE
RICHARD B. OUER
COL. JIMMY D. PUETT
LARRY H. SPALDING
PATRICK G. WOOSLEY
JOSEPH A. I. WORSHAM

1969 Total: \$17,900
Avg: 718

(q)JACK R. DUGAN
HENRY W. GRENLEY
GALE S. MESSERMAN
CHARLES H. ROBERTSON
(h)PETER A. FRANKLIN III
FREDERICK W. MARSH, JR.
(c)SAM B. BOURNIAS
DOUGLAS H. CONNER III
JEFFREY L. FUTTER
HUGH E. HACKNEY
GEORGE S. MCKEARIN III
RICHARD B. OTSTOTT
JOSEPH W. SHEEHAN
AUBYN K. SHETTLE, JR.
WILLIAM C. SHRADER
(a)THOMAS E. DALE
WILLIAM G. DUFF
LARRY L. HUELBIG
WILLIAM J. LINZY, JR.
G. PHILIP MOREHEAD
WALTER D. PHILLIPS
FREDERICK E. REHFELDT
WILLIAM M. WARREN

1970 Total: \$8,425
Avg: 201

(q)STANFORD M. KAUFMAN
THOMAS G. RUNDELL
(h)ROBERT B. COUSINS, JR.
BILLY D. EMERSON
JOHN D. JACKSON

W. WILSON JONES
 B. CARL KLINKE
 DAVID L. NELSON
 R. MICHAEL PARKER
 DAVID W. SHUFORD
 (c) MARTHA H. ALLAN
 LOIS C. BACON
 ALVIN H. BADGER III
 J. CHRIS BIRD
 CHARLES C. CLYMER
 HON. BILLY F. COKER
 ERNEST E. FIGARI, JR.
 LYMAN G. HUGHES
 JOSEPH H. LAZARA
 LARRY D. LESSLY
 ELMER MURPHEY III
 R. MICHAEL PARKER
 CHARLES F. PLENGE
 PERRY M. RAYMOND
 GARY R. RICE
 MICHAEL R. SHARP
 WILLIAM A. STEWART
 K. BRUCE STICKLER
 RONALD TAYLOR
 KIM R. THORNE
 HOWARD D. WILSON
 RICHARD E. ZADINA
 (a) RICHARD B. GOODNER
 DAVID L. JACKSON
 ROBERT H. JONES
 RICHARD B. LIVINGSTON
 K. MARK PISTORIUS
 RICHARD B. TURBIVILLE
 ALBERT G. WEISENBERGER
 KENNETH G. WINCORN
 ARTHUR W. ZEITLER

1971 Total: \$7,250
 Avg: 260

(q) FREDERICK J. FOWLER
 MICHAEL L. KENTER
 (h) HAZEL R. HOFFMAN
 THOMAS L. KELLY, JR.
 JACK C. SPILLMAN
 J. DAVID TRACY
 TIMOTHY J. VINEYARD
 (c) C. CLINT ADAMS
 RAYMOND L. DAHLBERG
 IRA D. EINSOHN
 MICHAEL A. FISHER
 JARROLD A. GLAZER
 DAVID A. IVES
 CLYDE C. JACKSON, JR.
 JOHN M. JACKSON
 ANTHONY M. KAUFMAN
 ROBERT N. PRICE
 R. KNOX TYSON
 GARY W. WESTERBERG
 CLARK S. WILLINGHAM
 (a) JAMES C. GRAY
 ROBERT I. KNOPF
 IRV W. QUEAL III
 LAWRENCE R. SESSOMS
 RICHARD B. SEWARD

1972 Total: \$7,240
 Avg: 234

(q) JAMES E. BROWN
 T. MIKE FIELD
 JOHN N. HOVE
 PHILIP J. PFEIFFER
 DARREL A. RICE
 (h) MOLLY C. ANDERSON
 R. DENNIS ANDERSON
 WILLIAM F. CARROLL
 (c) ROBERT L. ABBOTT
 DON W. DURAN
 JAY ETHINGTON
 STEVEN C. METZGER
 HARRY L. NAJIM
 HON. JOHN D. RAINEY
 JOHN D. SOLANA
 DANIEL F. SUSIE
 FOREST VICK, JR.
 LARRY W. WALL
 RICHARD WILHELM
 WILL WILSON, JR.
 (a) JOHN P. BYERS
 JOHN G. CHAPMAN
 JAY C. COUNTS
 JACK K. DAHLBERG, JR.
 ROBERT J. GRANT
 JERRY A. KAGAY
 STEPHEN A. LERER
 BERNARD V. MCDERMOTT
 CHARLES H. WATERS, JR.

1973 Total: \$11,455
 Avg: 400

(q) HON. FRED S. BIERY, JR.
 ARTHUR L. DENT III
 M. RUSSELL KRUSE, JR.
 HENRY B. PAUP
 (h) JOHN L. CARTER
 MARK C. CLEMENTS
 JOSEPH A. KRAL III
 FRED W. SCHWENDIMANN III
 GERALD S. SIEGMYER
 DONALD H. SNELL, JR.
 (c) DAN D. AARON
 WILLIAM M. BASS
 RHETT G. CAMPBELL
 SCOTT L. CAMPBELL
 BOB D. HARRISON
 R. BRENT HARSHMAN
 MICHAEL D. STEIN
 DONALD J. STEVENSON
 NELSON C. VESTAL, JR.
 (a) SUE S. CAUGHEY
 RICHARD L. HENTZELL
 MICHAEL F. LYNCH
 JAMES A. MEZVINSKY
 DAVID P. ROWLAND
 RAY B. RUSSELL

1974 Total: \$13,005
 Avg: 262

(q) ROGER Q. BECK
 CHARLES B. BREWER
 EDWARD O. COULTAS

J. THOMAS MELTON
 DENNIS N. RYAN
 (h) JAMES N. COWDEN
 CHARLES E. FALLEN
 WILLIAM D. HAYWARD
 JOANN H. MEANS
 TERRY R. MEANS
 STEPHEN S. MIMS
 DOUGLAS B. OWEN
 FLOYD M. THOMAS, JR.
 WILLIAM D. WILES
 (c) JERRY W. ASHBY
 MARK B. BAKER
 WILLIAM P. BIVINS, JR.
 WILLIAM A. BRASHER
 HON. U. SIDNEY CORNELIUS, JR.
 JEFFRY R. DAVIS
 HENRY W. DUBOIS
 ELLIOT S. GARSEK
 CAPT. GLENN N. GONZALEZ
 HON. RENE J. GONZALEZ
 R. T. GROVES, JR.
 JERRY L. HIRSCH
 R. FREDERICK HUNTER
 HARRY A. JOHNSON III
 THOMAS C. MCCLELLAN
 GEORGE E. MCCORD
 HON. LLOYD W. PERKINS
 ANTOINE L. PETERSON III
 PETER G. PIERCE III
 HON. CHARLES P. PLAYER
 EDWARD S. RISS
 HOWARD C. RUBIN
 RICHARD L. STANFORD
 ALAN C. TATUM
 JOHN T. UNDERWOOD
 (a) MILES TEEL BIVINS
 LAWRENCE F. BLAIS
 MICHAEL S. COPELAND
 HENRY W. DUBOIS, JR.
 PAUL F. FIGLEY
 FLETCHER C. LEWIS
 JOHN E. PRAT
 STEVEN S. SCHIFF
 JAMES C. STEVENS
 DEE L. THOMAS
 STEPHEN J. WILENSKY

1975 Total: \$12,525
 Avg: 187

(q) JEFFREY C. LONDA
 (h) DAVID B. BAXTER
 RONALD L. BROWN
 THOMAS A. CIPOLLA
 J. K. FLYNN
 PAUL M. BOHANNON
 PAUL W. GERTZ
 RICHARDS P. WASHBURN
 (c) MICHAEL E. ALEXANDER
 LAWRENCE E. ACKELS, JR.
 BEN H. ADMIRE
 JAMES L. AUBUCHON
 R. HOWARD BASKIN III
 WILLIAM H. BRIAN, JR.
 RICHARD F. BROWN
 STEVEN D. BROWNE
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THOMAS J. HOWELL
WAYNE R. JOHNSTON
KIM D. KRAHENBUHL
ANN M. LAKE
CHRIS A. LORENZEN, JR.
GARY J. MANNY
STEVEN R. MCCOWN
CHARLES L. MOORE
RONALD T. NEWTON
JAMES R. O'NEILL
JOHN H. PHILLIPS
PAUL O. PRICE
BYRON H. RUBIN
GEORGE SOLARES
JOHN R. WOODWARD
ROGER G. WILLIAMS
JOHN M. WULFERS
RONALD F. YATES
(a) REBECCA S. BAIN
SCOTT L. BARDUSON
PAUL W. BROWN
MICHAEL A. BUCEK
HAROLD R. CROOKES
JAMES B. DAVIS
ROBERT E. DRYDEN
STEVEN R. FREDRICKSON
DAVID W. HALL, JR.
FRANCES E. HUTCHISON
RICHARD S. JOHNSON
THEODORE R. KENT
CHARLES D. KNELL
HON. JOHN M. MARSHALL
BRADFORD C. PEABODY
HON. RICHARD A. SCHELL
PHILIP M. SEIB
ROBERT R. SMITH, JR.
ROBERT A. SPARKS
DONALD G. STANFORD
BARRETT W. STETSON
STEVEN A. VEAZIE
DR. THOMAS W. WARNER
CHARLES R. WILSON

1970 Total: \$15,315
Avg: 273

(q) DAVID B. DILLON
(h) HORACE N. CUNNINGHAM III
RICHARD G. DAFOE
LAUREN G. HUTT
KENT S. HOFMEISTER
ALAN S. LEIBEL
JUDGE STEPHEN N. LIMBAUGH, JR.
ROBERT E. LUXEN
LESLIE G. MCLAUGHLIN
THOMAS H. OWEN, JR.
EDWARD H. PERRY
ROBERT H. SINGLETON, JR.
DON C. STEPHENSON
(c) HENRY J. ACKELS
BARTON R. BENTLEY
LORENZO BROWN

ARMAND T. CARIAN
ALLEN W. CHURCH
TIMOTHY J. CUSACK
HON. CAS A. DUNLAP, SR.
DOUGLAS G. EASON
MARILYN H. ELAM
SANDER L. ESSERMAN
DOUGLAS K. EYBERG
DAVID J. GRAHAM
J. GRAHAM HILL
J. JENKINS-MITCHELL
CAROL N. KING
LEONARD D. LOWRY
JAY G. MARTIN
ROBERT F. MCBEE
JOE D. MITCHELL
ROBERT T. MOFFETT
KENNETH H. MOLBERG
JAMES C. NORMAN
DAVID R. NORTON
PAUL W. PEARSON
LYLE D. PISHNY
GERALD S. REAMEY
F. MICHAEL SEAY
MARGARET B. SHANNON
GLORIA L. VERA
ROBERT B. WALLACE, JR.
THOMAS L. WHEELER, JR.
STEVEN WOLENS
GARY F. WILEY
(a) A. NICHOLAS ALEXANDER
DONALD L. BARLEY
MARY S. BLACK
MICHAEL J. BRAGG
JOHN C. DACUS
LOUIS C. GUILLOT
JOHN B. HOLDEN, JR.
PAUL W. PEARSON

1977 Total: \$10,505
Avg: 198

(q) ADELE S. BUCHMAN
V. WAYNE WARD
(h) THOMAS L. BENSON III
WILLIAM J. BUX
SUSAN S. DUNN
ROBERT L. FELDMAN
BARBARA R. HUNT
E. JOHN JUSTEMA
J. STEPHEN KING
MICHAEL Y. MACKINNON
HAROLD D. MALLORY
RICHARD K. MARTIN
ROBERT T. MOWREY
RANDALL L. SCHMIDT
ANDREW F. SPALDING
(c) MITCHELL BADDOUR, JR.
STAYTON M. BONNER
MARTIN E. BROUSSARD
DORA M. BROWN
JAMES L. DEEM
JOSEPH W. FORAN
SYDNA H. GORDON
ERNEST H. HARPER, JR.
CHRISTOPHER HICKS
ANN HYATT LOGAN
G. ROLAND LOVE

KATHRYN C. MALLORY
JEFFIE J. MASSEY
T. SUE B. MORGAN
MICHAEL P. PATTERSON
JANICE V. SHARRY
MICHAEL SHARRY
R. RANDALL WOOLEY II
MARK ZVONKOVIC
(a) RONALD A. FOXMAN
JEFFREY A. HAGE
RICHARD J. HELSPER
JON M. KELLY
DOLLY KYLE
LAURIE R. MCCALLUM
CHRISTOPHER W. MIMS
MILAM R. PHARO
RANDAL L. ROBERTS
J. RAYMOND SCHIFLETT III
ARTHUR F. SELANDER
FRANK SHOR
RICKY G. SMITH
CRAIG S. SPENCER
JILL W. SPENCER
BRUCE J. STENSURD
THOMAS P. VINCENT
JOHN T. WHITE
MORRIS K. WITHERS

1978 Total: \$17,085
Avg: 407

(h) THEODORE CAMPAGNOLO
DOUGLAS J. PAHL
BRYAN F. SMITH, JR.
MICHAEL S. WALSH
LAWRENCE M. WOLFISH
(c) DAVID E. BRUSLOW
MARC S. CULP
HON. LEE A. DAUPHINOT
M. CRAIG DEISENROTH
GARY D. ELLISTON
ROBERT W. FISCHER
FRANK C. HIDER, JR.
GLORIA A. JACKSON
GUY H. KERR
J. KENNETH KOPF, JR.
MICHAEL L. KREAGER
DEBORAH B. MORTON
ROBERT C. PATE
JULIA FIELDS PENDERY
G. DAVID RINGER
M. ROBERT ROOFNER
MAIRIN N. TERRY
(a) W. THOMAS BAXTER
LAWRENCE G. BOYD
DENISE A. BRETTING
DOUGLAS C. CALDWELL
WILLIAM W. CAMMACK II
CLEVELAND G. CLINTON
KELLY J. COGHLAN
JOHN K. DUNLAP
DONALD HIGGINBOTHAM
KIP M. KUGLER
PHILLIP W. MCCRURY
SAM L. MOFFETT
JAMES H. MOODY III
DAN MOORE
THOMAS P. RANDT

BARRY J. SORRELS
CHRISTOPHER W. VENTERS
T. MICHAEL WALL
MARK S. WERBNER

1979 Total: \$8,750
Avg: 190

(g) JONATHAN K. HUSTIS
STUART A. JONES
DAVID C. MATTKA
(h) JAMES R. AUSTIN
WILLIAM K. BERENSON
LAWRENCE M. ELKUS
JACQUELYN K. JONES
JOHN R. NORRIS III
MICHAEL K. PIERCE
ELIZABETH G. THORNBURG
(c) THOMAS J. COLVEN III
STEPHEN L. HANCOCK
JAMES E. HAAS
LYNN HASTINGS
RONALD O. HOLMAN
J. WARREN HUFF
TEMPLE B. INGRAM, JR.
MARY EMMA A. KARAM
DAVID R. MILLER
STEPHEN H. MILLER
WINNORA I. RICHBOURG
JOE E. RUSSELL
SANTIAGO SALINAS, JR.
KAREN C. SARGENT
STUART R. SCHWARTZ
WILLIAM B. STEELE III
THOMAS A. TAYLOR
H. MICHAEL WARREN
(a) J. MITCHELL BELL
KARI E. BRANDENBURG
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CYNTHIA MORRISS
PATRICIA PEPPARD
GENICE A. G. RABE
CAROL K. SHAFFER
MARIANNE G. VISSER
WILLIAM C. WILSHUSEN

1980 Total: \$4,135
Avg: 125

(g) TIMOTHY E. POWERS
(h) DAVID G. DRUMM
DANA T. PICKARD
(c) MAXINE AARONSON
DONALD A. ADAMS, JR.
PAUL A. BERRY
KATHLEEN L. BIRD
WILLIAM L. BOEING
MARY G. BURDIN
EDWARD J. DRAKE III
HAROLD B. GOLD

JAMES C. HALLIBURTON, JR.
CLIFTON T. HUTCHINSON
TENNESSEE NIELSEN
LINDA J. NEWMAN
MARK A. POWELL
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DEBORAH P. TUNNELL
THOMAS R. TUNNELL
JANICE L. WARDER
(a) ALFRED G. ALLEN III
JOE H. BERGHEIM
JAMES O. DARNELL
DANIEL P. FINCH
CINDY C. FINLEY
BRIAN D. MELTON
JAMES R. NELSON
THOMAS NOBLE
DOROTHY S. NOWLIN
R. MARK PRUNER
ELIZABETH B. WHITAKER
HON. DARLENE A. WHITTEN
ARNOLD N. WILLIAMS
DR. BARBARA C. WINGO

1981 Total: \$17,115
Avg: 428

(g) GREGORY L. CAIN
MARK STYLES
TRUDE A. TSUJIMOTO
(h) DAWN E. MOORE
DR. MAUREEN A. MURRY
(c) LOUISE JACOWITZ ALLEN
STEPHEN D. ALEXANDER
RONNIE K. BARGER
ROBERT T. CHAPMAN
DAVID W. DIXON
ANNE ADAIR DUNLAP
STEPHANIE L. ERTTEL
JOSEPH T. GORMAN, JR.
WILLIAM L. GRACE, JR.
ROBERT M. HOFFMAN
HON. JEFFREY A. KAPLAN
BARBARA A. KENNEDY
RAY T. KHIRALLAH
KEVIN G. LEVY
ANDREW W. MAIN
JAMES W. SARGENT
J. HAROLD SEWELL
PAULA M. FISETTE SWEENEY
PAMELA A. TAYLOR
STEVEN H. TAYLOR
PROF. LOUISE E. TEITZ
(a) WILLIAM O. ASHCRAFT
HON. JANE JACKSON BOYLE
ROBERT B. BRUNER
CHARLES R. BUTLER
PATRICIA B. FERNANDEZ
DANIEL K. HAGOOD
ARTHUR F. HOGE III
CONNIE K. JOBE
PATRICIA KONING
PAUL M. KONING
DOUGLAS R. LEWIS
WILLIAM METHENITIS
JONATHAN D. REIFF

1982 Total: \$8,280
Avg: 202

(g) DOROTHY H. BJORCK
WILLIAM M. GRIFFIN III
THOMAS N. ROSE
KENNETH C. WRIGHT
(h) MARK G. CREIGHTON
PHILIP C. HUNSUCKER
JAMES W. INGRAM
GREGORY G. JONES
KENT C. KRAUSE
RONA R. MEARS
JAMES S. MEYER
BLAZE H. SOSNOWSKI
(c) CHRISTOPHER A. BARNET
ALAN R. BARR
JULIE L. BLOSS
JEFFREY S. BODLEY
MARGARET E. DAVIDSON
WILLIAM E. GRIFFEY
HON. LYNN SKIPWORTH HUNT
CARY PLOTKIN KAVY
KATHLEEN M. LAVALLE
R. CODY MAYO, JR.
WILLIAM T. NEARY
WILLIAM D. NOEL
G. BRUCE PARKERSON
DEBORAH K. WRIGHT
(a) CLAIRE Z. BAKER
JEFFREY S. BERNSTEIN
JAMES E. BRADLEY
JEFFREY D. DUNN
R. NORRIS LOZANO
SAMUEL R. MILLER
ROBERT M. NICLOUD, JR.
CHARLES A. OLIVER
CYNTHIA S. PLADZIEWICZ
SARAH L. SCHARNBERG
ANN L. STEVENSON
MARK A. TODD
SHOJI TSUMOTO
BELINDA A. VRIELINK

1983 Total: \$4,545
Avg: 111

(h) DEBORAH G. HANKINSON
CAROLYN V. KELLY
GLYNIS WHEELER REDWINE
CYNTHIA HOLDER STEINER
MARK R. STEINER
(c) CAROL ATWELL ACKELS
CATHY M. ACUFF
KENNETH R. ARTIN
DALE N. ATKINS
M. KATHERYN BOYLE
DANIEL H. BRANCH
ELISE D. BRENNAN
STEVEN E. EISENBERG
KRISTI H. ELSOM
SANDRA WEBB GOULD
DIANA SILVA HERRERA
KIMBERLY C. HODGSON
SYDNEY J. HURLEY IV
JACKSON G. KRAMER
CRAIG L. MASSEY
MARK V. MINTON

JACK A. MOFFITT, JR.
LISA M. REY
MELANIE L. SCOFIELD
MARK A. SPRINGER
PAMELA H. STABLER
CYNTHIA A. STEPHENS
ANNE MOODY TAYLOR
WILLIAM R. TOATES
(a)SUZANNE BASS
PHILIP D. COLLINS
NANCY K. DUNLAP
COLIN V. FRENCH
SHELLEY HOFFMAN GLAZER
JOHN E. HUNT
M. BRETT LEDBETTER
HENRIETTA S. MUNOZ
RICHARD H. PATERSON, JR.
JOHN R. PEARCE
JERRIE HOUSE PLEGGE
CRAIG H. SMITHAM
STEVEN L. WILSON

1984 Total: \$3,045
Avg: 111

(q)THOMAS G. PAPPAS
(h)GEORGE O. BENNETT
ROMAN J. KUPCHYNSKY
CHRISTOPHER G. LEA
MARK R. RYAN
SHERYL ANNE L. SELF
(c)CARLA MARIE BRUNDAGE
MORRISON
CLIFTON W. CORENBLOTH
MARJORIE C. DELATOUR
GREGORY S. LONES
BRITON D. MONTS
CAROL SPARKMAN PETERS
SARAH R. SALDANA
ROSEMARY T. SNIDER
DERRY W. SWANGER
ANN E. WARD
(a)RICK R. BARTON
DAVID F. BRUNER
LORAL R. CONRAD
RANDLE S. DAVIS
KIMBERLEY CAMPBELL FACTOR
ALAN M. GERLACH, JR.
CLIFFORD S. JURY
MARY R. MCNABB
EDWARD W. MOORE
FRANK E. NEEDHAM
RODNEY R. PETTERSON, JR.
KEVIN E. TEEL
PAMELA C. TRAVIS
ANDREW P. WAGNER
STEWART WAYNE
PAMELA L. ZDUNEK

1985 Total: \$4,817
Avg: 146

(q)JAMES C. CHADWICK
MARIAN G. SPITZBERG
MICHAEL J. TRUNCALE
(h)KEVIN L. KENWORTHY

THOMAS K. LINDSEY
PRISCILLA KIM PARK
CLAUDIA PHYLLIS K. PARKER
PERRY J. TARNOFSKY
(c)HERBERT ADAMS, JR.
JAMES D. BENNETT
JOHN H. BOMGARDNER II
WADE G. CHANNELL
SUSANNA Y. JOHNSON
RICHARD D. REED
JAMES ROBERT TAYLOR II
MARK A. TICER
ELIZABETH DALTON TYRRELL
SARA B. WATSON
(a)ANGELA F. BRALY
JOHN G. CREWS II
DANIEL CURRAN
HON. DAVID P. EVANS
AMANDA M. FRENCH
JASON S. JANUARY
VIRGINIA S. MEDLEN
SUSAN FRANCES MAULDIN
ROGER D. ROWE
JAMES W. RUSHER
JUDITH M. SPALDING
FRANK L. SCHUBLE
RICHARD D. SLOMAN
ANNA SUE THOMPSON
H. D. WABNER
CRAIG A. WELCH

1986 Total: \$4,705
Avg: 211

(h)CHERYL STRAUSS GIESE
JEFFREY W. GIESE
DAVID A. LOWRANCE
DAVID R. WOODWARD
(c)THEODORE C. ANDERSON III
CHARLES D. GLANVILLE
JAMES R. GRIFFIN
BARRY D. JOHNSON
DAVID LUKENS II
PAULA M. ROMBERG
CECILY S. TICER
(a)GREGORY K. ACKELS
VAL J. ALBRIGHT
RICHARD PETER BOBOWSKI
HUBERT J. BOYKIN
MICHELLE D. CHADWICK
MARILYN R. CHAMBERS
JILL S. GIROIR
RONALD D. HORNER
JEFF A. MCDANIEL
CAROLE MCFEE MENDEZ
MARK O. O'BRIEN
DAVID M. PYKE

1987 Total: \$4,055
Avg: 109

(h)CYNTHIA HARKINS HAYNES
PATRICK J. RESPOLIERS
(c)ANGELINE L. BAIN
DOUGLAS S. CLARKSON
JOHN I. FISHBURNE III
TERRY M. HENRY

CHRISTOPHER A. JIONGO
SCOT M. KELLER
H. SPENCER KENDRICK
JERROLD E. MIERTSCHIN
ROBERT S. WEINBERG
(a)WILLIAM A. BOND
SALLY SUMMERS COKE
DAWN DAVENPORT
STEVEN M. DOW
ELIZABETH A. EMMERT
KHALID Y. HAMIDEH
KATHERINE BLEAKNEY PAWLEY
ROSS M. RATHGEBER
C. GREGG ROGERS
WILLIAM A. THAU III
ROBERT E. VINSON, JR.
JAMES S. WINEGARDNER

1988 Total: \$0,800
Avg: 208

(q)GRANT F. ADAMSON
NELDA S. ADAMSON
LEONARD J. PADILLA
CAPT. L. STEPHAN VINCZE
(h)KELLY DIANE BOYD
MICHAEL A. BOYD
JENNIFER PRIOR
(c)NEILL EVAN ANDRE DELAPORTE
STEVEN R. BAGGETT
BLAKE L. BERRYMAN
WILLIAM H. CHURCH, JR.
KEVIN E. COX
JOSEPH C. EDWARDS
HEATHER A. FORWARD
STEPHEN G. GLEBOFF
ALBERT D. HAMMACK
CARRIE L. HUFF
DAVID W. JONES
VAN HUNTER MAGEE
JOY D. SCHMITT
SHERRI L. WALLACE
(a)ZACHARY W. ALLEN
ROY T. ATWOOD
MARIE D. DISANTE
DAVID J. FISHER
GREGG D. MARTIN
PATRICIA LEA MARTIN
MARY A. MCNULTY
JAMES W. ROSE, JR.
GREGORY Z. SINGER
NEIL L. SOBOL
DANA TAIT

1989 Total: \$2,320
Avg: 116

(q)LAURA ANNE S. VINCZE
(h)MANUEL P. LENA, JR.
(c)LINDA SUE ALTHOFF
JEAN H. BENDER
RONALD W. BREAUX
RACHEL A. CAMPBELL
ELIZABETH C. ROSE
JAMES J. SCHESKE
(a)CHARLES F. ALLAN
STEPHEN R. BAILEY

ARTHUR R. BAUER
 DANIEL LEE BUTCHER
 KATHLEEN M. BEASLEY
 PHILLIP H. HAMILTON
 ALLEGRA J. HELFENSTEIN
 MARGARET E. LONGO
 SUSAN HARDIG REASONER
 ADAM L. SEIDEL
 TWILLA S. WALTON
 HILARY A. WEINSTEIN

1990 Total: \$2,900
 Avg: 107

(q) BETTY M. ELLSWORTH
 (h) THOMAS A. ADAMS IV
 JOHN R. WEATHERLY, JR.
 (c) AMY L. ABBOD
 KATHRYN L. ATKINS
 ROBERT L. DRAPER
 MARK EARLY
 MICHELLE M. EARLY
 SARAH L. FAGIN
 JAMES SCOT GREGORY
 JAY D. HARTNETT
 MARK S. HOWARD
 MORRIS A. MILLER
 JUDY K. SHORE
 MICHAEL W. SHORE
 MARK T. STEIN
 (a) GORDON M. BOURNE
 JOSEPH P. GOLDSTEIN
 JULIE EHRENBERGER HARRIS
 ELIZABETH H. HOOD
 J. JEFFREY JOHNSTON

STEPHEN J. JONES
 TRACY MARIE C. POTTS
 MARK M. SLOAN
 KATHERINE BRADEN STATON
 CARL D. TILLERY
 G. VICTOR TISCORNIA II
 BARBARA G. VAN DUYN
 BEVERLY W. VIA

1991 Total: \$1,150
 Avg: 50

(c) DEBORAH LYNNE DAVIS
 BRADLEY J. KAGAN
 LINDA WARD O'HARA
 WILLIAM H. PENNINGTON III
 DARREN B. POCSIK
 JOHN P. TIELBORG
 (a) LAURA PHELPS ARCHER
 CHRISTOPHER D. ATWELL
 PAULA L. BEASLEY
 JEFFREY J. COX
 KRISTI K. COX
 LESLIE R. DECILLIS
 JOHN F. FITZSIMMONS
 WILLIAM R. HEMPILL, JR.
 SUSAN L. KERR
 JENNIFER L. MARTIN
 LEE E. MICHAELS
 DAWN PHILLIPS
 FIDEL A. SAPIEN
 JAMES D. STRUBLE, JR.
 CHARLES A. SUTTON
 DAVID S. VASSAR
 GREGORY P. WELLS

1992 Total: \$1,000
 Avg: 61

(h) PAMELA B. STEIN
 (c) MANUEL ALCOZER
 AURORA M. MADRIGAL
 PATRICK J. PACHECO
 ANTOINE J. VAN DER MEER
 (a) PAUL S. ADAMS III
 DENISE M. BURKE
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 BRIAN MARCZYNSKI
 JOHN MOBBS II
 LAUREN B. NEWMAN PIERCE
 CARLEEN RICHARDS
 LOREN SOBEL
 THOMAS SPACKMAN, JR.

1993 Total: \$365
 Avg: 52

(c) JOSEPH BALL
 SHARLEE COLE
 ROMERO FLORES
 JOHN LINDGREN
 (a) GERALD COOPER, JR.
 LINDA S. CRAWLEY
 DOUGLAS HAFFER

* Deceased

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